

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, June 16, 2009

EIGHTY-SEVENTH SESSION DAY

ONE HUNDRED NINETY-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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, June 16, 2009

The Assembly met at 7 a.m.

Hon. Martin Garrick, Assembly Member, 74th 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 | De León | Hayashi | Pérez, John |
| Ammiano | DeVore | Hernandez | Pérez, V. Manuel |
| Arambula | Duvall | Hill | Portantino |
| Beall | Emmerson | Huber | Ruskin |
| Berryhill, Bill | Eng | Huffman | Salas |
| Berryhill, Tom | Evans | Jeffries | Saldaña |
| Blakeslee | Feuer | Knight | Silva |
| Block | Fletcher | Krekorian | Skinner |
| Blumenfield | Fong | Lieu | Smyth |
| Brownley | Fuentes | Logue | Solorio |
| Caballero | Fuller | Lowenthal | Strickland |
| Calderon | Furutani | Ma | Swanson |
| Carter | Gaines | Mendoza | Torlakson |
| Chesbro | Galgiani | Miller | Torres |
| Conway | Garrick | Monning | Torrico |
| Cook | Gilmore | Nava | Tran |
| Coto | Hagman | Nestande | Villines |
| Davis | Hall | Niello | Yamada |
| De La Torre | Harkey | Nielsen | Mme. Speaker |

Quorum present.

At 2:26 p.m., Hon. Dan Logue, 3rd 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 Member Buchanan.

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

Because of illness: Assembly Member Anderson.

EXPLANATIONS OF ABSENCE

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

June 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 June 16, 2009 for legislative business in my district.

Thank you for your assistance. Please contact my Scheduler, Colleen Haley at (916) 319-2015 should any questions arise.

Sincerely,

JOAN BUCHANAN, Assembly Member
Fifteenth District

June 16, 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 June 16, 2009. I will be on legislative business. I do not take per diem.

Sincerely,

DAVE JONES, Assembly Member
Ninth District

COMMUNICATIONS

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

June 16, 2009

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

RE: Appointment of Martin Garrick
to State Allocation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Martin Garrick to the State Allocation Board for June 24, 2009 only.

Sincerely,

KAREN BASS
Speaker of the Assembly

June 15, 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 Jerry Hill to fill the Democratic vacancy on the Assembly Business and Professions Committee for the Tuesday, June 16 hearing only.

Sincerely,

KAREN BASS
 Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Jobs, Economic Development, and the Economy, to hold an informational hearing, Tuesday, June 23, 2009, at 9 a.m.

Banking and Finance, Monday, June 29, 2009, at 3 p.m.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 16, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
 Assembly Bill No. 1355

And reports the same correctly enrolled, and presented to the Governor on the 16th day of June, 2009, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, June 16, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
 Assembly Concurrent Resolution No. 66
 Assembly Joint Resolution No. 2
 Assembly Joint Resolution No. 11

And reports the same correctly enrolled, and presented to the Secretary of State on the 16th day of June, 2009, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 82—Hall (Coauthors: Block, Eng, Huffman, and Monning) (Coauthor: Senator Maldonado). Relative to public education and discrimination-free zones.

AUTHOR'S AMENDMENTS **Committee on Judiciary**

June 16, 2009

Mme. Speaker: The Chair of your Committee on Judiciary reports:
 Senate Bill No. 120
 Senate Bill No. 320

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

FEUER, Chair

SENATE BILL NO. 120—An act to amend Sections 789.3, 1950.5, and 1962 of, and to add Section 1942.2 to, the Civil Code, and to amend Sections 777.1, 10009.1, 12822.1, and 16481.1 of, and to repeal Sections 777, 10009, 12822, and 16481 of, the Public Utilities Code, relating to residential tenancies.

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. 320—An act to amend Sections 1716 and 1717 of the Code of Civil Procedure, relating to judgments.

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 Elections and Redistricting

June 16, 2009

Mme. Speaker: The Chair of your Committee on Elections and Redistricting reports:
Assembly Constitutional Amendment No. 3

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

FONG, Chair

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article II thereof, relating to initiatives.

Resolution read second time; 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 Insurance

June 16, 2009

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

Senate Bill No. 98
Senate Bill No. 156

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

SOLORIO, Chair

SENATE BILL NO. 98—An act to amend Section 10110.1 of, to add Sections 10113.3 and 10113.35 to, and to repeal and add Sections 10113.1 and 10113.2 of, the Insurance Code, relating to life insurance.

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. 156—An act to add Section 1879.1 to the Insurance Code, relating to insurance fraud.

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 16, 2009

Mme. Speaker: The Chair of your Committee on Judiciary reports:
Senate Bill No. 20
Senate Bill No. 340

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

FEUER, Chair

SENATE BILL NO. 20—An act to amend Sections 1798.29 and 1798.82 of the Civil Code, relating to personal information.

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. 340—An act to add Article 9 (commencing with Section 17600) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to advertising.

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 16, 2009

Mme. Speaker: The Chair of your Committee on Public Safety reports:
Senate Bill No. 175

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

ARAMBULA, Chair

SENATE BILL NO. 175—An act to amend Sections 12070, 12072, 12078, and 12083 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.

AUTHOR'S AMENDMENTS
Committee on Revenue and Taxation

June 16, 2009

Mme. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Senate Bill No. 138

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

CALDERON, Chair

SENATE BILL NO. 138—An act to amend Section 7287 of the Revenue and Taxation Code, relating to local taxation.

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 Education

June 16, 2009

Mme. Speaker: The Chair of your Committee on Education reports:
Senate Bill No. 247

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

BROWNLEY, Chair

SENATE BILL NO. 247—An act to amend Section 60422 of the Education Code, relating to electronic instructional materials.

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 Elections and Redistricting

June 16, 2009

Mme. Speaker: The Chair of your Committee on Elections and Redistricting reports:
Assembly Constitutional Amendment No. 5
Assembly Constitutional Amendment No. 13

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

FONG, Chair

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article II thereof, relating to initiatives.

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

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article II thereof, relating to initiatives.

Resolution read second time; 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: June 15, 2009

Mme. Speaker: Your Committee on Revenue and Taxation reports:
Senate Bill No. 823

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.

CALDERON, Chair

Above bill ordered to second reading.

Date of Hearing: June 15, 2009

Mme. Speaker: Your Committee on Revenue and Taxation reports:
Senate Bill No. 824

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

CALDERON, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 15, 2009

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

Assembly Joint Resolution No. 12

With the recommendation: Be adopted.

CALDERON, Chair

Above resolution ordered to third reading.

Date of Hearing: June 15, 2009

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

Assembly Constitutional Amendment No. 6

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations.

CALDERON, Chair

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: June 15, 2009

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

Senate Bill No. 91

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

CALDERON, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Health

Date of Hearing: June 9, 2009

Mme. Speaker: Your Committee on Health reports:

Senate Bill No. 158

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

JONES, Chair

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: June 16, 2009

Mme. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 492

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

ARAMBULA, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 16, 2009

Mme. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 5

Senate Bill No. 431

Senate Bill No. 24

Senate Bill No. 447

Senate Bill No. 325

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

ARAMBULA, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 16, 2009

Mme. Speaker: Your Committee on Public Safety reports:
Senate Bill No. 121
Senate Bill No. 490

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 bills be placed on the Consent Calendar.

ARAMBULA, Chair

Above bills ordered to second reading.

Date of Hearing: June 16, 2009

Mme. Speaker: Your Committee on Public Safety reports:
Senate Bill No. 169
Senate Bill No. 324

With the recommendation: Do pass.

ARAMBULA, Chair

Above bills ordered to second reading.

Committee on Water, Parks and Wildlife

Date of Hearing: June 16, 2009

Mme. Speaker: Your Committee on Water, Parks and Wildlife reports:
Senate Bill No. 609

With the recommendation: Do pass.

HUFFMAN, Chair

Above bill ordered to second reading.

Date of Hearing: June 16, 2009

Mme. Speaker: Your Committee on Water, Parks and Wildlife reports:
Senate Bill No. 283
Senate Bill No. 286
Senate Bill No. 448

Senate Bill No. 589
Senate Bill No. 670
Senate Bill No. 778

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

HUFFMAN, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Business and Professions

Date of Hearing: June 16, 2009

Mme. Speaker: Your Committee on Business and Professions reports:
Senate Bill No. 237

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

HAYASHI, Chair

Above bill ordered to second reading.

Date of Hearing: June 16, 2009

Mme. Speaker: Your Committee on Business and Professions reports:
Senate Bill No. 109
Senate Bill No. 392

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

HAYASHI, Chair

Above bills re-referred to the Committee on Judiciary.

Date of Hearing: June 16, 2009

Mme. Speaker: Your Committee on Business and Professions reports:

Senate Bill No. 33

Senate Bill No. 475

Senate Bill No. 260

Senate Bill No. 549

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

HAYASHI, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 16, 2009

Mme. Speaker: Your Committee on Business and Professions reports:

Senate Bill No. 760

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

HAYASHI, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 16, 2009

Mme. Speaker: Your Committee on Business and Professions reports:

Senate Bill No. 171

With the recommendation: Do pass, as amended.

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.

HAYASHI, Chair

Above bill ordered to second reading.

Date of Hearing: June 16, 2009

Mme. Speaker: Your Committee on Business and Professions reports:

Senate Bill No. 762

With the recommendation: Do pass.

HAYASHI, Chair

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE
SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

Senate Bill No. 424, ordered to the Consent Calendar.

ADJOURNMENT

At 3:30 p.m., the Assembly adjourned until 7 a.m., Wednesday, June 17, 2009.

KAREN BASS, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JUNE 16, 2009**

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

ACA RN

3 0917140

5 0916741

13 0915669

SB RN

20 0916569

98 0917022

120 0917036

138 0916620

156 0916829

175 0916779

247 0916822

320 0916826

340 0916877

Daily Total: 12**Cumulative Total: 1812**

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