

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Sunday, June 28, 2009

NINETY-FIFTH SESSION DAY

TWO HUNDRED TENTH 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
Sunday, June 28, 2009

The Assembly met at 6 p.m.

Hon. Karen Bass, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Timothy Morland reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Blumenfield moved a quorum call of the Assembly.

Motion carried.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 6:32 p.m., Speaker Bass declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—77:

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

PRAYER

Upon invitation of Speaker pro Tempore Saldaña, the following prayer was offered by Assembly Member Gaines, 4th Assembly District:

Lord God, Your word and Your truth are the basis for all our actions. We praise You for Your presence among us and invoke Your blessing upon the legislators assembled here. May our efforts glorify Your name and serve the best interests of the people of this great state, in fidelity to Your word and Your truth.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Bass, Assembly Member Evans then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Torrico, seconded by Assembly Member Blakeslee.

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 Hall and Villines.

EXPLANATIONS OF ABSENCE

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

June 26, 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 Sunday, June 28, 2009 to attend legislative business.

Thank you for your prompt attention to this matter.

Sincerely,

ISADORE HALL III, Assembly Member
Fifty-second District

June 25, 2009

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

Dear Speaker Bass: I respectfully request to be excused from Floor Session on June 28, 2009 for legislative business outside the Capitol. Your consideration of this request is greatly appreciated. If you have any questions please do not hesitate to contact me.

Most sincerely,

MICHAEL N. VILLINES, Assembly Member
Twenty-ninth District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 28, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
 Assembly Constitutional Amendment No. 9
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, June 28, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
 Assembly Concurrent Resolution No. 79
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

SPECIAL COMMITTEE MEETINGS

By unanimous consent the following committee was permitted to meet:

Budget Subcommittee No. 4 on State Administration to hold an informational hearing on State Outsourcing of Contracts on Tuesday, June 30, 2009 at 10 a.m. in Room 444.

JOINT RULE 62(a) SUSPENDED

Assembly Member Torrico was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of allowing Budget Subcommittee No. 4 on State Administration to hold an informational hearing on State Outsourcing of Contracts on Tuesday, June 30, 2009 at 10 a.m. in Room 444.

BILLS REMOVED FROM CONSENT CALENDAR

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

Assembly Concurrent Resolution No. 79, on request of Assembly Member Gaines.

CAUCUS ANNOUNCEMENTS

Speaker Bass announced that the Democratic Caucus would meet in the Assembly Lounge and the Republican Caucus would meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 6:36 p.m., Speaker Bass declared the Assembly recessed.

RECONVENED

At 8:07 p.m., the Assembly reconvened.
 Hon. Lori Saldaña, Speaker pro Tempore of the Assembly, presiding.

RECESS

By unanimous consent, at 8:07 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed for the purpose of convening Third Extraordinary Session.

RECONVENED

At 11:23 p.m., the Assembly reconvened.
 Hon. Lori Saldaña, Speaker pro Tempore of the Assembly, presiding.

JOINT RULE 62(a) WAIVED

Assembly Member Torrico was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 644 for hearing in the Committee on Veterans Affairs on Tuesday, June 30, 2009, at 4 p.m. in Room 126.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

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; amendments proposed by the Committee on Elections and Redistricting read and adopted; resolution ordered reprinted and to be re-referred to the Committee on Appropriations.

**SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

Senate Bill No. 219, ordered to third reading.

Senate Bills Nos. 39 and 544, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 119—An act to amend Section 678.3 of the Insurance Code, relating to professional liability insurance.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 571—An act to add Section 3724.32 to the Public Resources Code, relating to public resources.

Bill read second time; amendments proposed by the Committee on Natural Resources read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**UNFINISHED BUSINESS
MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 964 and Senate Bill No. 116 were continued until the next legislative day.

ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced the following session schedule:

Monday, June 29, 2009, Floor Session, Upon Call of the Speaker.

MOTION TO ADJOURN

At 11:24 p.m., Assembly Member Torrico moved that the Assembly do now adjourn.

Assembly Member Gaines seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:24 p.m., Speaker pro Tempore Saldaña declared the quorum call of the Assembly dispensed with.

MESSAGES FROM THE SENATE

Senate Chamber, June 28, 2009

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

Assembly Bill No. 1543

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

COMMUNICATIONS

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

June 28, 2009

E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: I am authorizing the Assembly Desk to remain open on Monday, June 29, 2009 for purpose of processing committee business.

Sincerely,

KAREN BASS
Speaker of the Assembly

**TWO HUNDRED ELEVENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, Monday, June 29, 2009

At 12 midnight.

Speaker Bass, presiding.

COMMUNICATIONS

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

June 29, 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 Bob Blumenfield to replace Assemblymember Warren Furutani on the Assembly Utilities and Commerce Committee for the Monday, June 29 hearing only.

Sincerely,

KAREN BASS
Speaker of the Assembly

June 29, 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 Anna Caballero to replace Assemblymember Alberto Torrico on the Assembly Utilities and Commerce Committee for the Monday, June 29 hearing only.

Sincerely,

KAREN BASS
Speaker of the Assembly

June 29, 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 Jim Silva to replace Assemblymember Jim Nielsen on the Assembly Judiciary Committee for the Tuesday, June 30 hearing only.

Sincerely,

KAREN BASS
Speaker of the Assembly

June 29, 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 Julia Brownley to replace Assemblymember Warren Furutani on the Assembly Transportation Committee for today's hearing only.

Sincerely,

KAREN BASS
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Labor and Employment, Wednesday, July 8, 2009, in Room 447.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 29, 2009

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

Assembly Constitutional Amendment No. 13

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

RE-REFERENCE OF BILLS PURSUANT TO THE RULES

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following resolution was ordered re-referred to the Committee on Appropriations:

Assembly Concurrent Resolution No. 79.

AUTHOR'S AMENDMENTS

Committee on Business and Professions

June 29, 2009

Mme. Speaker: The Chair of your Committee on Business and Professions reports: Assembly Bill No. 1506

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

HAYASHI, Chair

ASSEMBLY BILL NO. 1506—An act to add Section 17203.6 to the Government Code, relating to state funds, and declaring the urgency thereof, to take effect immediately.

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

June 29, 2009

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

Senate Bill No. 23

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

TORRES, Chair

SENATE BILL NO. 23—An act to amend Sections 18603 and 18871.8 of the Health and Safety Code, relating to manufactured 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 Revenue and Taxation

June 29, 2009

Mme. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Senate Bill No. 765

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

CALDERON, Chair

SENATE BILL NO. 765—An act to add Section 6363.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 Higher Education

June 29, 2009

Mme. Speaker: The Chair of your Committee on Higher Education reports:
Senate Bill No. 147

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

PORTANTINO, Chair

SENATE BILL NO. 147—An act to add Section 66205.8 to the Education Code, relating to the California State University.

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 Water, Parks and Wildlife

June 29, 2009

Mme. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:
Senate Bill No. 261

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

HUFFMAN, Chair

SENATE BILL NO. 261—An act to amend Section 10631 of, and to add Chapter 5 (commencing with Section 10660) to Part 2.6 of Division 6 of, the Water Code, relating to water 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 Natural Resources

June 29, 2009

Mme. Speaker: The Chair of your Committee on Natural Resources reports:
Senate Bill No. 546

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

SKINNER, Chair

SENATE BILL NO. 546—An act to add Section 25250.29 to the Health and Safety Code, and to amend Sections 48100, 48620, 48623, 48624, 48631, 48632, 48645, 48650, 48651, 48652, 48653, 48656, 48660, 48660.5, 48661, 48662, 48670, 48673, 48674, 48690, and 48691 of, to add Sections 48620.2 and 48651.5 to, and to repeal Sections 48633 and 48634 of, the Public Resources Code, relating to oil, 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 Insurance

June 29, 2009

Mme. Speaker: The Chair of your Committee on Insurance reports:
Senate Bill No. 313

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

SOLORIO, Chair

SENATE BILL NO. 313—An act to amend Sections 62.5 and 3722 of the Labor Code, relating to workers' compensation.

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 Higher Education

June 29, 2009

Mme. Speaker: The Chair of your Committee on Higher Education reports:
Senate Bill No. 388

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

PORTANTINO, Chair

SENATE BILL NO. 388—An act to add Section 66407 to the Education Code, relating to college textbooks.

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 Public Safety

Date of Hearing: June 23, 2009

Mme. Speaker: Your Committee on Public Safety reports:
Senate Bill No. 175

With amendments with the recommendation: Do pass, as amended, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

ARAMBULA, Chair

Above bill ordered to second reading.

Committee on Insurance

Date of Hearing: June 25, 2009

Mme. Speaker: Your Committee on Insurance reports:
Senate Bill No. 98

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

SOLORIO, Chair

Above bill ordered to second reading.

Committee on Elections and Redistricting

Date of Hearing: June 23, 2009

Mme. Speaker: Your Committee on Elections and Redistricting reports:
Senate Bill No. 817

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.

FONG, Chair

Above bill ordered to second reading.

Committee on Appropriations

June 29, 2009

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

Assembly Bill No. 1367

DE LEÓN, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Education

Date of Hearing: June 17, 2009

Mme. Speaker: Your Committee on Education reports:

Senate Bill No. 515

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

BROWNLEY, Chair

Above bill ordered to second reading.

Committee on Banking and Finance

Date of Hearing: June 29, 2009

Mme. Speaker: Your Committee on Banking and Finance reports:

Senate Bill No. 306

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

NAVA, Chair

Above bill re-referred to the Committee on Judiciary.

MESSAGES FROM THE SENATE

Senate Chamber, June 29, 2009

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

Assembly Bill No. 58
Assembly Bill No. 123
Assembly Bill No. 140
Assembly Bill No. 232
Assembly Bill No. 247
Assembly Bill No. 265
Assembly Bill No. 269
Assembly Bill No. 297

Assembly Bill No. 388
Assembly Bill No. 403
Assembly Bill No. 412
Assembly Bill No. 470
Assembly Bill No. 608
Assembly Bill No. 714
Assembly Bill No. 1490

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

Above bills ordered enrolled.

Senate Chamber, June 29, 2009

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

Assembly Concurrent Resolution No. 15
Assembly Concurrent Resolution No. 36
Assembly Concurrent Resolution No. 48

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

Above resolutions ordered enrolled.

Senate Chamber, June 29, 2009

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

Assembly Bill No. 124
Assembly Bill No. 430
Assembly Bill No. 681

Assembly Bill No. 706
Assembly Bill No. 1337

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

Senate Chamber, June 29, 2009

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

Assembly Concurrent Resolution No. 24

Assembly Concurrent Resolution No. 60

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate

By David Valverde, Assistant Secretary

Above resolutions ordered to unfinished business file.

Senate Chamber, June 29, 2009

Mme. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 490

Senate Bill No. 121

GREGORY P. SCHMIDT, Secretary of the Senate

By David Valverde, Assistant Secretary

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 29, 2009

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

Assembly Bill No. 1164

And reports the same correctly enrolled, and presented to the Governor on the 29th day of June, 2009, at 12 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3:30 p.m., pursuant to the motion by Assembly Member Torrico, the Assembly adjourned until 7 a.m., and Floor Session Upon Call of the Speaker, Tuesday, June 30, 2009.

KAREN BASS, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JUNE 28, 2009**

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

ACA RN

13 0918486

SB RN

571 0918229

Daily Total: 2

Cumulative Total: 1937

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JUNE 29, 2009**

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

AB	RN
1506	0918476

SB	RN
23	0917941
147	0917304
261	0918697
313	0918632
388	0918623
546	0917338
765	0918469

Daily Total:	8
Cumulative Total:	1945

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