

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, June 29, 2010

**TWO HUNDRED TWENTY-FIFTH SESSION DAY
FIVE HUNDRED SEVENTY-SIXTH 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

(Corrected 6-30-10.)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, June 29, 2010

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—78:

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

Quorum present.

At 2:20 p.m., Hon. Kevin de León, 45th 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 Member was granted leave of absence for the day:

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

(NOTE: This day's Journal record corrected to reflect Assembly Member Bass excused on personal business, pursuant to communication received on June 30, 2010. See Assembly Journal, page 5885.)

COMMUNICATIONS

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

June 28, 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 Brian Nestande to fill the Republican vacancy on the Assembly Business, Professions and Consumer Protection Committee for the Tuesday, June 29 hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

June 28, 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 Jim Silva to fill the Republican vacancy on the Assembly Health Committee for the Tuesday, June 29 hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

June 29, 2010

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

Dear Dotson: Please be advised that I have established the Select Committee on Preservation of California's Agricultural Land and Open Space for the 2009–10 Regular Session and I have appointed Assemblymember Anna Caballero as the Chair.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

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

Per Diem Waiver

June 29, 2010

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

Dear Chief Clerk Wilson: This letter is to officially notify you of my intention to decline per diem for the duration of the current state budget impasse.

Please withhold all per diem, effective July 1, 2010, until further notice.

Please do not hesitate to contact me or my Chief of Staff, Steve Davey, at 319-2004 should you have any questions regarding this request.

Sincerely,

TED GAINES, Assembly Member
Fourth District

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet: Accountability and Administrative Review, Wednesday, July 7, 2010, at 9 a.m., in Room 437.

REPORTS

The following reports were presented by the Chief Clerk:

State Video Franchise Holder Employment Report
(Pursuant to AB 2987, Public Utilities Code, Division 2.5, Statutes of 2006)

Above transmitted report, together with letter of transmittal from Paul Clanon, Executive Director, Public Utilities Commission, dated January 8, 2010, referred by the Speaker to the Committee on Utilities and Commerce.

CPUC Division of Ratepayer Advocates Annual Budget & Staffing Report
(Pursuant to Public Utilities Code Section 309.5(f) and 309.5(g))

Above transmitted report, together with letter of transmittal from Dana Appling, Director, Division of Ratepayer Advocates, Public Utilities Commission, dated January 27, 2010, referred by the Speaker to the Committee on Utilities and Commerce.

**Annual Report & Workplan and Report on
Timely Resolution of Formal Proceedings, 2009
(Pursuant to Public Utilities Code Section 321.6(a), (b), and (c))**

Above transmitted report, together with letter of transmittal from Paul Clanon, Executive Director, Public Utilities Commission, dated January 28, 2010, referred by the Speaker to the Committee on Utilities and Commerce.

**Transmittal of Public Utilities Commission Report on
the Impacts of Distributed Energy Generation
(Pursuant to AB 578, Chapter 627, Statutes of 2008,
Public Utilities Code Section 321.7(a))**

Above transmitted report, together with letter of transmittal from Paul Clanon, Executive Director, Public Utilities Commission, dated January 28, 2010, referred by the Speaker to the Committee on Utilities and Commerce.

**San Francisco Public Utilities Commission (SFPUC) Report
(Pursuant to AB 1823, Chapter 841, Water Code Section 73504(a))**

Above transmitted report, together with letter of transmittal from Steven R. Ritchie, Assistant General Manager, San Francisco Public Utilities Commission, dated January 29, 2010, referred by the Speaker to the Committee on Utilities and Commerce.

**Integrated Energy Policy Report, 2009 (IEPR)
(Pursuant to SB 1389, Chapter 568, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Karen Douglas, Commissioner and Presiding Member Renewables Committee, California Energy Commission, dated February 1, 2010, referred by the Speaker to the Committee on Utilities and Commerce.

**Transmittal of Public Utilities Commission Report
on the Renewables Portfolio Standard
(Pursuant to Item 8660-001-0462, Supplemental Report, Budget Act of 2006)**

Above transmitted report, together with letter of transmittal from Paul Clanon, Executive Director, Public Utilities Commission, dated February 9, 2010, referred by the Speaker to the Committee on Utilities and Commerce.

**Annual Report on Trusts and Entities Created by the CPUC, 2009
(Pursuant to Section 20 of AB 1338, Chapter 760,
Budget Act of 2008, Public Utilities Code Section 326.5)**

Above transmitted report, together with letter of transmittal from Paul Clanon, Executive Director, Public Utilities Commission, dated February 10, 2010, referred by the Speaker to the Committee on Utilities and Commerce.

**Federal Energy Regulatory Commission Docket No. EL02-60,
CPUC v. Sellers of Long-term Contracts
(Pursuant to Item 8660-001-0462, Supplemental
Report of the 2009–10 Budget Package)**

Above transmitted report, together with letter of transmittal from Elizabeth M. McQuillan, Staff Attorney, Public Utilities Commission, dated February 16, 2010, referred by the Speaker to the Committee on Utilities and Commerce.

**Transmittal of Public Utilities Commission Report on
Residential Telephone Subscribership and Universal Service
(Pursuant to AB 3299, Statutes of 1992, Chapter 354,
Public Utilities Code Section 873)**

Above transmitted report, together with letter of transmittal from Paul Clanon, Executive Director, Public Utilities Commission, dated February 19, 2010, referred by the Speaker to the Committee on Utilities and Commerce.

**Transmittal of Public Utilities Commission Report on the Net
Energy Metering Cost Effectiveness Evaluation
(Pursuant to Statutes of 2006, Chapter 132,
Public Utilities Code Section 2827(c)(4))**

Above transmitted report, together with letter of transmittal from Paul Clanon, Executive Director, Public Utilities Commission, dated March 9, 2010, referred by the Speaker to the Committee on Utilities and Commerce.

**Transmittal of Public Utilities Commission Report on the
Embedded Energy Water Conservation Pilot Program
(Pursuant to AB 2404)**

Above transmitted report, together with letter of transmittal from Paul Clanon, Executive Director, Public Utilities Commission, dated March 24, 2010, referred by the Speaker to the Committee on Utilities and Commerce.

**Transmittal of Public Utilities Commission Report
on Gas & Electric Utility Cost
(Pursuant to Public Utilities Code Section 747)**

Above transmitted report, together with letter of transmittal from Paul Clanon, Executive Director, Public Utilities Commission, dated April 1, 2010, referred by the Speaker to the Committee on Utilities and Commerce.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file.

Senate Bill No. 455, on request of Assembly Member Calderon.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY JOINT RESOLUTION NO. 45—Fong. Relative to Lifelong Learning Accounts.

ASSEMBLY JOINT RESOLUTION NO. 46—Harkey. Relative to autism in military families.

**AUTHOR'S AMENDMENTS
Committee on Appropriations**

June 29, 2010

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 88

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

FUENTES, Chair

SENATE BILL NO. 88—An act to amend Section 5101.2 of the Vehicle Code, relating to vehicles.

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 Transportation**

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Transportation reports:
Senate Bill No. 1341

With the recommendation: Do pass.

LOWENTHAL, Chair

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Senate Joint Resolution No. 20

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 resolution be placed on the Consent Calendar.

PORTANTINO, Chair

Above resolution ordered to the Consent Calendar.

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Senate Bill No. 1493

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.

PORTANTINO, Chair

Above bill ordered to second reading.

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Senate Bill No. 1250

With the recommendation: Do pass.

PORTANTINO, Chair

Above bill ordered to second reading.

Committee on Natural Resources

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Natural Resources reports:

- | | |
|----------------------|----------------------|
| Senate Bill No. 228 | Senate Bill No. 1207 |
| Senate Bill No. 675 | Senate Bill No. 1326 |
| Senate Bill No. 959 | Senate Bill No. 1328 |
| Senate Bill No. 1006 | Senate Bill No. 1433 |

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

CHESBRO, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Natural Resources reports:
Senate Bill No. 1293

With amendments with the recommendation: Amend, and re-refer to the Committee on Natural Resources.

CHESBRO, Chair

Above bill ordered to second reading.

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Natural Resources reports:
Senate Bill No. 1198

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

CHESBRO, Chair

Above bill ordered to second reading.

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Natural Resources reports:
Senate Bill No. 1177

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

CHESBRO, Chair

Above bill re-referred to the Committee on Agriculture.

Committee on Transportation

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Transportation reports:
Senate Bill No. 1340

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

LOWENTHAL, Chair

Above bill re-referred to the Committee on Local Government.

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Transportation reports:
Senate Bill No. 965

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

LOWENTHAL, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Transportation reports:
Senate Bill No. 165

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

LOWENTHAL, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Transportation reports:
Assembly Concurrent Resolution No. 175
Assembly Concurrent Resolution No. 176

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

LOWENTHAL, Chair

Above resolutions re-referred to the Committee on Appropriations.

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Transportation reports:
Senate Bill No. 1395
Senate Bill No. 1455

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

LOWENTHAL, Chair

Above bills ordered to second reading.

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Transportation reports:
Senate Bill No. 435

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

LOWENTHAL, Chair

Above bill ordered to second reading.

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Transportation reports:
Senate Bill No. 1362

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

LOWENTHAL, Chair

Above bill ordered to second reading.

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Transportation reports:
Senate Bill No. 964

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

LOWENTHAL, Chair

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Senate Bill No. 1065
Senate Bill No. 1492
Senate Bill No. 1494

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

PORTANTINO, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Public Safety

Date of Hearing: June 22, 2010

Mr. Speaker: Your Committee on Public Safety reports:
Senate Bill No. 203

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

AMMIANO, Chair

Above bill ordered to second reading.

Date of Hearing: June 22, 2010

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 1428

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

AMMIANO, Chair

Above bill ordered to second reading.

Committee on Transportation

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 2098

With the recommendation: Do pass.

LOWENTHAL, Chair

Above bill ordered to second reading.

Committee on Utilities and Commerce

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Joint Resolution No. 43

With the recommendation: Be adopted.

BRADFORD, Chair

Above resolution ordered to third reading.

Committee on Transportation

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 949

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

LOWENTHAL, Chair

Above bill ordered to second reading.

Committee on Utilities and Commerce

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Senate Bill No. 1467

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

BRADFORD, Chair

Above bill ordered to second reading.

Date of Hearing: June 28, 2010

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Senate Bill No. 1414

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

BRADFORD, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Date of Hearing: June 28, 2010

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

Senate Bill No. 516

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

PORTANTINO, 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. 1220, ordered to third reading.

(NOTE: Later this day Senate Bill No. 1220 was re-referred to the Committee on Appropriations.)

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 129—Relative to international treaties.

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

SECOND READING OF SENATE BILLS

SENATE BILL NO. 950—An act to amend Section 1035.7 of the Military and Veterans Code, relating to veterans.

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

SENATE BILL NO. 1211—An act to amend Section 1379 of, and to add Section 1375.7 to, the Unemployment Insurance Code, relating to unemployment insurance.

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

SENATE BILL NO. 1405—An act to amend Section 10127.7 of the Insurance Code, relating to insurance.

Bill read second time; amendments proposed by the Committee on Insurance read and adopted; bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

SENATE BILL NO. 1188—An act to add Section 3049 to the Family Code, relating to child custody.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

SENATE BILL NO. 970—An act to add and repeal Article 6 (commencing with Section 12290) to Chapter 3 of Division 12 of the Elections Code, relating to elections.

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

SENATE BILL NO. 1202—An act to amend Sections 9084 and 9086 of the Elections Code, and to amend Sections 88001 and 88002 of the Government Code, relating to elections.

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

SENATE BILL NO. 1408—An act to amend Sections 1025.5, 1067.02, 1067.03, 1067.04, 1067.05, 1067.055, 1067.07, 1067.08, 1067.09, 1067.10, 1067.11, 1067.12, 1067.13, 1067.16, and 1067.17 of the Insurance Code, relating to insurance.

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

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

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

SENATE BILL NO. 1440—An act to add Article 3 (commencing with Section 66745) to Chapter 9.2 of Part 40 of Division 5 of Title 3 of the Education Code, relating to public postsecondary education.

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

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 bill was ordered re-referred to the Committee on Appropriations:

Senate Bill No. 1220.

CONSIDERATION OF DAILY FILE (RESUMED) UNFINISHED BUSINESS

MOTION TO RECONSIDER SENATE BILL NO. 797 CONTINUED

By unanimous consent, the motion to reconsider the vote on Senate Bill No. 797 was continued until Thursday, July 1, 2010.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 29, 2010

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

Assembly Bill No. 1887

And reports the same correctly enrolled, and presented to the Governor on the 29th day of June, 2010, at 10:45 a.m.

E. DOTSON WILSON, Chief Clerk

MESSAGES FROM THE SENATE

June 28, 2010

*The Honorable E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber*

Dear Dotson: The Senate this day by unanimous consent suspended Joint Rules 29.5(b) and 30.7 as they pertain to the Conference Committee on AB 190.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, June 30, 2010.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JUNE 29, 2010**

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

ACR RN
129 1019137

SB RN
88 1019112
950 1019131
957 1019162
970 1019245
1188 1019414
1202 1019225
1211 1019282
1405 1019283
1408 1019266
1440 1019157

Daily Total: 11
Cumulative Total: 4423

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