

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, July 7, 2009

ONE HUNDREDTH SESSION DAY

TWO HUNDRED NINETEENTH 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, July 7, 2009

The Assembly met at 7 a.m.

Hon. Paul Cook, Assembly Member, 65th 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—79:

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

Quorum present.

At 1:47 p.m., Hon. John A. Pérez, 46th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 7, 2009

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

Assembly Concurrent Resolution No. 76

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, July 7, 2009

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

Assembly Bill No. 1318

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

COMMUNICATIONS

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

July 7, 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 Roger Niello to replace Assemblymember Jim Nielsen on the Assembly Judiciary Committee for the Thursday, July 9, 2009 hearing only. This letter replaces the letter submitted Monday, July 6, 2009.

Sincerely,

KAREN BASS
Speaker of the Assembly

July 7, 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 Hector De La Torre to replace Assemblymember Paul Krekorian on the Assembly Local Government Committee for the Wednesday, July 8 hearing only.

Sincerely,

KAREN BASS
Speaker of the Assembly

COMMUNICATIONS
Proposed Initiatives

The following communications were presented by the Chief Clerk from:

Krystal M. Paris, Initiative Coordinator, Department of Justice, dated June 16, 2009, transmitting copies of the title, summary and text of the following proposed initiative pursuant to Elections Code Section 9007:

Vote SAFE: Secure and Fair Elections Act
Initiative Statute No. 09-0008

Referred by the Speaker to the Committee on Elections and Redistricting.

Krystal M. Paris, Initiative Coordinator, Department of Justice, dated June 16, 2009, transmitting copies of the title, summary and text of the following proposed initiatives pursuant to Elections Code Section 9007.

Life Insurance Investment Parity Act
Initiative Statute No. 09-0009

Referred by the Speaker to the Committee on Insurance.

Krystal M. Paris, Initiative Coordinator, Department of Justice, dated June 23, 2009, transmitting copies of the title, summary and text of the following proposed initiatives pursuant to Elections Code Section 9007.

**California Taxpayer Protection Act of 2010
Initiative Statute No. 09-0010**

Referred by the Speaker to the Committee on Human Services.

Krystal M. Paris, Initiative Coordinator, Department of Justice, dated June 22, 2009, transmitting copies of the title, summary and text of the following proposed initiatives pursuant to Elections Code Section 9007.

**California Marriage Equality Act
Initiative Statute No. 09-0011**

Referred by the Speaker to the Committee on Judiciary.

REPORTS

The following reports were presented by the Chief Clerk:

**Nonsubstantive Reorganization of Deadly Weapon Statutes
(Pursuant to Statutes of 2006, Chapter 128)**

Above transmitted report, together with letter of transmittal from Pamela L. Hemminger, Chairperson, California Law Revision Commission, dated July 1, 2009, referred by the Speaker to the Committee on Public Safety.

**Community Partnership Managers
(Pursuant to 2007 Budget Act, Supplemental Report, Item 5)**

Above transmitted report, together with letter of transmittal from Matthew L. Cate, Secretary, Department of Corrections and Rehabilitation, dated June 18, 2009, referred by the Speaker to the Committee on Public Safety.

**The Implementation and Effectiveness of
Mandatory Residential Substance Abuse Aftercare Treatment for
the California Offender Population
(Pursuant to Penal Code Section 2933.4)**

Above transmitted report, together with letter of transmittal from Matthew L. Cate, Secretary, Department of Corrections and Rehabilitation, dated June 18, 2009, referred by the Speaker to the Committee on Public Safety.

**2008 California Workers' Compensation Losses and Expenses
(Pursuant to Insurance Code Section 11759.1)**

Above transmitted report, together with letter of transmittal from David M. Bellusci, Senior Vice President and Chief Actuary, Workers' Compensation Insurance Rating Bureau of California, dated June 25, 2009, referred by the Speaker to the Committee on Insurance.

**State Historical Resources Commission's 2008 Annual Report
(Pursuant to Public Resources Code Section 5020 to 5023)**

Above transmitted report, together with letter of transmittal from Milford Wayne Donaldson, FAIA, Executive Secretary, Department of Parks And Recreation, dated June 23, 2009, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Earned Income Tax Credit: Stakeholder Workgroup Proposals
(Pursuant to Chapter 622, Statutes of 2007)**

Above transmitted report, together with letter of transmittal from John A. Wagner, Director, Department of Social Services, dated June 22, 2009, referred by the Speaker to the Committee on Human Services.

**California Solar Initiative Annual Program Assessment
(Pursuant to Public Utilities Code Section 2851(c) (3))**

Above transmitted report, together with letter of transmittal from Paul Clanon, Executive Director, Public Utilities Commission, dated June 30, 2009, referred by the Speaker to the Committee on Utilities and Commerce.

**REAL ID Act for the Quarter Ending December 31, 2008
(Pursuant to 2007 Budget Act, Supplemental Report)**

Above transmitted report, together with letter of transmittal from George Valverde, Director, Department of Motor Vehicles, dated June 29, 2009, referred by the Speaker to the Committee on Transportation.

**Annual Railroad Local Safety Hazard Report
(Pursuant to Public Utilities Code Section 7711)**

Above transmitted report, together with letter of transmittal from Paul Clanon, Executive Director, Public Utilities Commission, dated July 1, 2009, referred by the Speaker to the Committee on Utilities and Commerce.

**2007-08 Annual Report and Statistical Appendix
(Pursuant to Business and Professions Code Section 312)**

Above transmitted report, together with letter of transmittal from Patricia Harris, Deputy Director of Bureau Relations, Department of Consumer Affairs, dated June 26, 2009, referred by the Speaker to the Committee on Business and Professions.

**January through March 2009 Capital Outlay Quarterly Report
(Pursuant to Penal Code Section 7003.5)**

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

**Use of Motor Vehicle Fuel Account (Boating) and
the Harbors and Watercraft Revolving Fund
(Pursuant to Harbors and Navigation Code Section 85.2 (b) (2))**

Above transmitted report, together with letter of transmittal from Ruth Coleman, Director, Department of Parks And Recreation, dated June 29, 2009, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Dental Treatment and Rehabilitation Program Conflicts
(Pursuant to 2008 Budget Act, Supplemental Report, Item 1)**

Above transmitted report, together with letter of transmittal from Matthew L. Cate, Secretary, Department of Corrections and Rehabilitation, dated June 25, 2009, referred by the Speaker to the Committee on Budget.

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

Above transmitted report, together with letter of transmittal from Paul Clanon, Executive Director, Public Utilities Commission, dated June 29, 2009, referred by the Speaker to the Committee on Utilities and Commerce.

SPECIAL COMMITTEE MEETINGS

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

Joint Legislative Audit Committee, Wednesday, August 19, 2009, at 9 a.m., in Room 126.

AUTHOR'S AMENDMENTS
Committee on Appropriations

July 7, 2009

Mme. Speaker: The Chair of your Committee on Appropriations reports:
 Senate Bill No. 556

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

DE LEÓN, Chair

SENATE BILL NO. 556—An act to amend Section 116.820 of the Code of Civil Procedure, to amend Section 68084.1 of the Government Code, to amend Section 3140 of the Probate Code, and to amend Section 19280 of the Revenue and Taxation Code, relating to courts, 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.

REPORTS OF STANDING COMMITTEES
Committee on Appropriations

Date of Hearing: July 1, 2009

Mme. Speaker: Your Committee on Appropriations reports:
 Senate Bill No. 91

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

DE LEÓN, Chair

Above bill ordered to second reading.

Committee on Transportation

Date of Hearing: July 6, 2009

Mme. Speaker: Your Committee on Transportation reports:
 Senate Bill No. 545
 Senate Bill No. 598
 Senate Bill No. 811

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

ENG, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: July 6, 2009

Mme. Speaker: Your Committee on Transportation reports:
 Senate Bill No. 300

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

ENG, Chair

Above bill ordered to second reading.

Committee on Natural Resources

Date of Hearing: July 6, 2009

Mme. Speaker: Your Committee on Natural Resources reports:
Senate Bill No. 605
Senate Bill No. 671

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

SKINNER, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: July 6, 2009

Mme. Speaker: Your Committee on Natural Resources reports:
Senate Bill No. 55
Senate Bill No. 104
Senate Bill No. 832

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

SKINNER, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Date of Hearing: July 6, 2009

Mme. Speaker: Your Committee on Revenue and Taxation reports:
Senate Bill No. 765

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: July 6, 2009

Mme. Speaker: Your Committee on Revenue and Taxation reports:
Senate Bill No. 402

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 Natural Resources

Date of Hearing: July 6, 2009

Mme. Speaker: Your Committee on Natural Resources reports:
Senate Bill No. 382
Senate Bill No. 581

With the recommendation: Do pass.

SKINNER, Chair

Above bills ordered to second reading.

Committee on Public Safety

Date of Hearing: June 23, 2009

Mme. Speaker: Your Committee on Public Safety reports:
Senate Bill No. 154
Senate Bill No. 557

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

ARAMBULA, Chair

Above bills ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: July 6, 2009

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

Senate Bill No. 10

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

CALDERON, Chair

Above bill ordered to second reading.

Committee on Human Services

Date of Hearing: June 30, 2009

Mme. Speaker: Your Committee on Human Services reports:

Senate Bill No. 244

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

BEALL, Chair

Above bill ordered to second reading.

Committee on Banking and Finance

Date of Hearing: July 6, 2009

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

Senate Bill No. 660

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

NAVA, Chair

Above bill ordered to second reading.

Date of Hearing: July 6, 2009

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

Senate Bill No. 94

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

NAVA, Chair

Above bill re-referred to the Committee on Judiciary.

Committee on Utilities and Commerce

Date of Hearing: July 6, 2009

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

Senate Bill No. 14

Senate Bill No. 32

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

FUENTES, Chair

Above bills re-referred to the Committee on Natural Resources.

Date of Hearing: July 6, 2009

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

Senate Bill No. 120

Senate Bill No. 542

Senate Bill No. 655

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

FUENTES, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Business and Professions

Date of Hearing: July 7, 2009

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

- Senate Bill No. 36
- Senate Bill No. 136
- Senate Bill No. 586
- Senate Bill No. 606
- Senate Bill No. 691

- Senate Bill No. 788
- Senate Bill No. 802
- Senate Bill No. 820
- Senate Bill No. 821

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: July 7, 2009

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

- Senate Bill No. 178
- Senate Bill No. 256

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

HAYASHI, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: July 7, 2009

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

- Assembly Bill No. 1506

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

HAYASHI, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: July 7, 2009

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

- Senate Bill No. 726

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

HAYASHI, Chair

Above bill re-referred to the Committee on Health.

Date of Hearing: July 7, 2009

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

- Senate Bill No. 340

With the recommendation: Do pass.

HAYASHI, Chair

Above bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 75—Relative to promotores and community health workers.

Resolution read; amendments proposed by the Committee on Health read and adopted; resolution ordered reprinted and to be placed upon the Consent Calendar.

**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. 279, ordered to third reading;

Senate Bills Nos. 224 and 483, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 148—An act to add Section 115102 to the Health and Safety Code, relating to mammography.

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

SENATE BILL NO. 337—An act to amend Section 1280.15 of the Health and Safety Code, relating to health facilities.

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

SENATE BILL NO. 273—An act to amend Sections 124250 and 124251 of the Health and Safety Code, and to amend Section 13823.15 of the Penal Code, relating to domestic violence.

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

SENATE BILL NO. 627—An act to add Section 21610 to the Business and Professions Code, relating to junk.

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

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; 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. 303—An act to amend Sections 1418.9 and 1599.1 of, and to add Section 1599.15 to, the Health and Safety Code, relating to nursing facility residents.

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. 543—An act to add Part 3.9 (commencing with Section 5849.10) to Division 5 of the Welfare and Institutions Code, relating to mental health.

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.

SENATE BILL NO. 200—An act to amend Section 320.5 of the Penal Code, relating to raffles.

Bill read second time; amendments proposed by the Committee on Governmental Organization read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 679—An act to add Section 5013.2 to the Public Resources Code, relating to state parks.

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

SENATE BILL NO. 524—An act to add Section 42173 to the Public Resources Code, relating to solid waste.

Bill read second time; amendments proposed by the Committee on Environmental Safety and Toxic Materials 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. 166 were continued until the next legislative day.

ADJOURNMENT

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

KAREN BASS, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 7, 2009**

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

ACR RN

75 0919191

SB RN

20 0919084
148 0919122
200 0919222
273 0919189
303 0919089
337 0919049
524 0919183
543 0919083
556 0918935
627 0919069
679 0919120

Daily Total: 12

Cumulative Total: 2027

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