

CALIFORNIA LEGISLATURE  
2009–10 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, July 14, 2009**

**ONE HUNDRED FOURTH SESSION DAY**

**TWO HUNDRED TWENTY-SIXTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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 14, 2009

The Assembly met at 7 a.m.

Hon. Fiona Ma, Assembly Member, 12th 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—74:

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

Quorum present.

**At 1:59 p.m., Hon. Bill Berryhill, 26th 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, Krekorian, and Villines.*

*To attend a funeral: Assembly Member Garrick.*

*Because of illness: Assembly Member Adams.*

**EXPLANATIONS OF ABSENCE**

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

July 2, 2009

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

Dear Speaker Bass: I respectfully request an excuse from session check-in on Tuesday, July 14 due to 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

July 14, 2009

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

Dear Speaker Bass: I am requesting an excused absence from check-in session today, Tuesday, July 14, 2009. I have a district office commitment that I must attend. I greatly appreciate your understanding.

If you have any questions or concerns please contact Veronica Ortiz-Torres in my Capitol Office at 916-319-2043.

Sincerely,

PAUL KREKORIAN, Assembly Member  
Forty-third District

(NOTE: For letter explaining the absence of Assembly Member Villines on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Regular Session for Monday, July 13, 2009.)

**COMMUNICATIONS**

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

July 14, 2009

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

RE: Appointment of Gwen Moore  
to State Bar Board of Governors

Dear Mr. Wilson: Please be advised I have appointed Ms. Gwen Moore to the State Bar Board of Governors. This is a term appointment starting July 14, 2009 and the expiration date is September 1, 2010. Ms. Moore will be replacing Jeannine English.

Sincerely,

KAREN BASS  
Speaker of the Assembly

**Per Diem Waived**

July 14, 2009

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

Dear Mme. Speaker: Since a balanced budget was not in effect at the start of the new fiscal year I am respectfully requesting that you not issue my per diem until a balanced budget is passed. This forfeited per diem shall not be paid retroactively.

Thank you for your prompt attention to this request.

Sincerely,

MARTIN GARRICK, Assembly Member  
Seventy-fourth District

**REPORTS**

The following reports were presented by the Chief Clerk:

**In the Name of Justice: Report of the California Courts for 2007–08  
(Pursuant to Article VI, Section 6 of the California Constitution)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated July 7, 2009, referred by the Speaker to the Committee on Judiciary.

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

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.

**Levels of Lead Found in California Condors in 2008  
(Pursuant to Fish and Game Code Section 3004.5)**

Above transmitted report, together with letter of transmittal from Jon K. Fischer, Deputy Executive Director, Fish and Game Commission, dated July 3, 2009, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**CalPERS 2009–12 Three Year Business Plan  
(Pursuant to Item 1900-001-0822 (1), Budget Act of 2008)**

Above transmitted report, together with letter of transmittal from Anne Stausboll, Chief Executive Officer, California Public Employees' Retirement System, dated July 1, 2009, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Off-Highway Vehicle Indicia Study Report  
(Pursuant to Senate Bill 742, Chapter 541, Statutes of 2007)**

Above transmitted report, together with letter of transmittal from George Valverde, Director, Department of Motor Vehicles, dated July 3, 2009, referred by the Speaker to the Committee on Transportation.

**250 California Special Districts  
with the Largest Revenues for FY 2007–08  
(Pursuant to Senate Bill 282, Chapter 288, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from John Hiber, Chief Operating Officer, California State Controller, dated June 30, 2009, stating availability of report at <http://lgrs.sco.ca.gov/sb282/index.asp>, referred by the Speaker to the Committee on Local Government.

**Emergency Medical Services Fund (EMS)  
(Pursuant to Health and Safety Code Section 1797.98a) from:**

Tulare County, Ray Bullick, Director of Health Services, dated July 14, 2009.

Referred by the Speaker to the Committee on Health.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 14, 2009

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

Assembly Bill No. 333

And reports the same correctly enrolled, and presented to the Governor on the 14th day of July, 2009, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

**AUTHOR'S AMENDMENTS  
Committee on Rules**

July 14, 2009

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

House Resolution No. 14

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

LIEU, Chair

**HOUSE RESOLUTION NO. 14**—Relative to Alternative Fuel Vehicle Awareness Month.

Resolution read; 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 Appropriations**

July 14, 2009

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

Senate Bill No. 372

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

DE LEÓN, Chair

**SENATE BILL NO. 372**—An act to amend Section 5019.50 of the Public Resources Code, relating to state parks.

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 Utilities and Commerce**

Date of Hearing: July 6, 2009

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

Senate Bill No. 488

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

FUENTES, Chair

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: July 9, 2009

Mme. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 54

Senate Bill No. 660

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

FEUER, Chair

Above bills ordered to second reading.

Date of Hearing: July 9, 2009

Mme. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 94

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

FEUER, Chair

Above bill ordered to second reading.

Date of Hearing: July 9, 2009

Mme. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 367

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.

FEUER, Chair

Above bill ordered to second reading.

**Committee on Jobs, Economic Development, and the Economy**

Date of Hearing: July 7, 2009

Mme. Speaker: Your Committee on Jobs, Economic Development, and the Economy reports:

Senate Bill No. 548

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

V. MANUEL PÉREZ, Chair

Above bill ordered to second reading.

Date of Hearing: July 7, 2009

Mme. Speaker: Your Committee on Jobs, Economic Development, and the Economy reports:

Assembly Concurrent Resolution No. 77

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

V. MANUEL PÉREZ, Chair

Above resolution ordered to second reading.



**Committee on Public Safety**

Date of Hearing: June 30, 2009

Mme. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 197

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

ARAMBULA, Chair

Above bill ordered to second reading.

**Committee on Education**

Date of Hearing: July 8, 2009

Mme. Speaker: Your Committee on Education reports:

Senate Bill No. 223

Senate Bill No. 471

Senate Bill No. 234

Senate Bill No. 552

Senate Bill No. 334

Senate Bill No. 651

Senate Bill No. 365

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

BROWNLEY, Chair

Above bills ordered to second reading.

Date of Hearing: July 8, 2009

Mme. Speaker: Your Committee on Education reports:

Senate Bill No. 191

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

BROWNLEY, Chair

Above bill ordered to second reading.

Date of Hearing: July 8, 2009

Mme. Speaker: Your Committee on Education reports:

Senate Bill No. 247

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

BROWNLEY, Chair

Above bill ordered to second reading.

Date of Hearing: July 8, 2009

Mme. Speaker: Your Committee on Education reports:

Senate Bill No. 253

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.

BROWNLEY, Chair

Above bill ordered to second reading.

**Committee on Housing and Community Development**

Date of Hearing: July 8, 2009

Mme. Speaker: Your Committee on Housing and Community Development reports:

Senate Bill No. 398

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

TORRES, Chair

Above bill ordered to second reading.



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

**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; 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 Bills Nos. 478 and 262**, ordered to third reading.

(NOTE: Later this day Senate Bill No. 478 was re-referred to the Committee on Appropriations.)

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 717**—An act to amend Sections 70, 70.2, 70.4, 70.8, 71.2, 71.4, 71.8, 72, 72.2, 76, 76.3, 76.5, 76.6, 86, 131, 133, 264, 300, 301, 302, 304, 305, 306, 307, 308, 505.5, 571, 652, 654.5, 658.3, 668.1, 738, and 780 of, to add Sections 309 and 310 to, to repeal Section 660.2 of, and to repeal Chapter 2.5 (commencing with Section 110) of Division 1.5 of, the Harbors and Navigation Code, relating to boating and waterways.

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

**SENATE BILL NO. 492**—An act to amend Section 653b of the Penal Code, relating to loitering.

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

**SENATE BILL NO. 296**—An act to amend Section 1368.015 of, and to add Sections 1367.29 and 1368.016 to, the Health and Safety Code, and to add Sections 10123.198 and 10123.199 to the Insurance Code, relating to health care coverage.

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. 744**—An act to amend Sections 1206, 1223, 1246, 1300, 1301, and 1302 of, and to add Section 1300.2 to, the Business and Professions Code, relating to clinical laboratories, and declaring the urgency thereof, to take effect immediately.

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. 769**—An act to add Section 101318 to the Health and Safety Code, relating to federal funding.

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. 716**—An act to amend Sections 99232, 99400, and 99401.6 of the Public Utilities Code, relating to transportation.

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

**SENATE BILL NO. 412**—An act to amend Section 379.6 of the Public Utilities Code, relating to electricity.

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.

**SENATE BILL NO. 774**—An act to amend Section 16501 of the Welfare and Institutions Code, relating to children's services.

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

**SENATE BILL NO. 242**—An act to add Section 51.15 to the Civil Code, relating to civil rights.

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. 348**—An act to amend Section 1936.015 of the Civil Code, relating to passenger vehicle rentals, and declaring the urgency thereof, to take effect immediately.

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. 510**—An act to amend Sections 10134, 10135, 10136, 10137, 10138, 10139, 10139.3, and 10139.5 of the Insurance Code, relating to structured settlements.

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. 772**—An act to add Section 19161.4 to the Business and Professions Code, relating to home furnishings.

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. 388**—An act to add Section 66407 to the Education Code, relating to college textbooks.

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 JOINT RESOLUTION NO. 5**—Relative to the federal Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act.

Resolution read; amendments proposed by the Committee on Natural Resources read and adopted, resolution ordered reprinted and to be placed upon the third reading file.

**SENATE BILL NO. 459**—An act to amend Section 6302.1 of, and to add Sections 6302.2, 6302.3, and 6302.4 to, the Public Resources Code, relating to tidelands and submerged lands.

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.

**SENATE BILL NO. 43**—An act to add Section 6532 to the Government Code, relating to joint powers agencies.

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

**SENATE BILL NO. 218**—An act to add Section 92034 to the Education Code, to amend Section 6252 of, and to add Section 6254.30 to, the Government Code, relating to public records.

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

**SENATE BILL NO. 93**—An act to amend Sections 33445 and 33679 of, and to add Sections 33445.1 and 33505 to, the Health and Safety Code, relating to redevelopment.

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

**SENATE BILL NO. 477**—An act to amend Section 33334.2 of the Health and Safety Code, relating to housing.

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

**SENATE BILL NO. 813**—An act to add Sections 50517.12, 50650.8, 50862.6, and 50896.4 to the Health and Safety Code, relating to community development.

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

**SENATE BILL NO. 193**—An act to add and repeal Section 52124.2 of the Education Code, relating to class size reduction, and declaring the urgency thereof, to take effect immediately.

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

**SENATE BILL NO. 14**—An act to add Section 705 to the Fish and Game Code, to amend Sections 25740, 25740.5, 25741, 25742, 25746, 25747, and 25751 of the Public Resources Code, and to amend Sections 399.2.5, 399.11, 399.12, 399.17, and 454.5 of, to amend and renumber Sections 399.16 and 747 of, to amend, renumber, and add Section 399.13 of, to add Sections 399.18, 399.22, 399.26, 399.30, 399.31, 911, and 1005.1 to, to add the heading of Article 11 (commencing with Section 910) to Chapter 4 of Part 1 of Division 1 of, to repeal Section 387 of, and to repeal and add Sections 399.14 and 399.15 of, the Public Utilities Code, relating to energy, and making an appropriation therefor.

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.

**SENATE BILL NO. 172**—An act to amend Sections 2224, 2225, and 2226 of the Elections Code, relating to voters.

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. 541**—An act to amend Sections 13002, 13004, 13005, 13006, 18400, 19202, 19214, and 19214.5 of, to add Section 19212.5 to, and to repeal Section 13007 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. 676**—An act to amend Section 2103 of the Code of Civil Procedure, to amend Section 711.4 of the Fish and Game Code, to amend Sections 27361 and 54985 of the Government Code, to amend Sections 987.5, 1203.1, 1203.1b, 1203.4, 1203.45, 1205, and 13300 of the Penal Code, and to amend Sections 903 and 903.3 of the Welfare and Institutions Code, relating to local fees.

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

#### **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 bills were ordered re-referred to the Committee on Appropriations:

**Senate Bills Nos. 478 and 419.**

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

#### **UNFINISHED BUSINESS**

#### **MOTION 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.

#### **ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 7 a.m., Wednesday, July 15, 2009.

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KAREN BASS, Speaker

AMY LEACH, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JULY 14, 2009

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

<b>ACA</b>	<b>RN</b>		<b>ACA</b>	<b>RN</b>
5	0919582		412	0919521
			459	0919460
<b>HR</b>	<b>RN</b>		477	0919649
14	0918885		492	0919570
			510	0919364
<b>SB</b>	<b>RN</b>		541	0919580
14	0919817		676	0919558
43	0919751		716	0919218
93	0919838		717	0919065
172	0919702		744	0919636
193	0919728		769	0919662
218	0919711		772	0919553
242	0919088		774	0919527
296	0919650		813	0919813
348	0919086			
372	0919777		<b>SJR</b>	<b>RN</b>
388	0919519		5	0919694
			<b>Daily Total:</b>	<b>28</b>
			<b>Cumulative Total:</b>	<b>2104</b>

O