

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, July 15, 2009

ONE HUNDRED FIFTH SESSION DAY

TWO HUNDRED TWENTY-SEVENTH 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
Wednesday, July 15, 2009

The Assembly met at 7 a.m.

Hon. Marty Block, Assembly Member, 78th 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:

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

Quorum present.

At 12:01 p.m., Hon. Tony Mendoza, 56th 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 Anderson, Huffman, Krekorian, and Lieu.

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

EXPLANATIONS OF ABSENCE

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

July 14, 2009

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

Dear Mme. Speaker: I respectfully request permission to be excused from session on Wednesday, July 15 and Thursday, July 16, 2009, on legislative business.

If you have any question regarding this request, please contact my staff, David Yow, at 319-2077.

Sincerely,

JOEL ANDERSON, Assembly Member
Seventy-seventh District

July 13, 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 Wednesday, July 15, 2009 due to legislative business in my district.

Sincerely,

JARED HUFFMAN, Assembly Member
Sixth District

July 13, 2009

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

Dear Speaker Bass: I am requesting an excused absence from check-in session Wednesday, July 15, 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

July 15, 2009

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

Dear Mme. Speaker: I respectfully request permission to be excused from Check-in Session on Wednesday, July 15, 2009 for legislative business. If you have any questions or concerns please contact Jeanette Garcia in my office at 319-2053.

Sincerely,

TED W. LIEU, Assembly Member
Fifty-third District

COMMUNICATIONS

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

July 15, 2009

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

RE: Appointment of Rosalyn Hackworth
to Board of Pharmacy

Dear Mr. Wilson: Please be advised I have appointed Ms. Rosalyn Hackworth to the Board of Pharmacy. This is a term appointment starting July 15, 2009 and the expiration date is June 1, 2012.

Sincerely,

KAREN BASS
Speaker of the Assembly

July 15, 2009

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

RE: Appointment of Bonnie Lowenthal
to Standing Committee to the Judicial Council on
Court Technology

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Bonnie Lowenthal to the Standing Committee to the Judicial Council on Court Technology. This is a term appointment starting July 15, 2009 and the expiration date is December 7, 2011.

Sincerely,

KAREN BASS
Speaker of the Assembly

July 15, 2009

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

RE: Appointment of Tom Ammiano
to California Commission on Disability Access

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Tom Ammiano to the California Commission on Disability Access. This is a pleasure appointment starting July 15, 2009.

Sincerely,

KAREN BASS
Speaker of the Assembly

July 15, 2009

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

RE: Appointment of Connie Conway
to California Commission on Disability Access

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Connie Conway to the California Commission on Disability Access. This is a pleasure appointment starting July 15, 2009.

Sincerely,

KAREN BASS
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 15, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Constitutional Amendment No. 5
House Resolution No. 14

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

COMMUNICATIONS
Proposed Initiatives

The following communications were presented by the Chief Clerk from:

Krystal M. Paris, Initiative Coordinator, Department of Justice, dated July 10, 2009, transmitting copies of the title, summary and text of the following proposed initiatives pursuant to Elections Code Section 9007:

Part-Time Legislature. Initiative Constitutional Amendment
Initiative No. 09-0013

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

Krystal M. Paris, Initiative Coordinator, Department of Justice, dated July 13, 2009, transmitting copies of the title, summary and text of the following proposed initiatives pursuant to Elections Code Section 9007:

Mandatory Drug and Alcohol Testing for Members of the Legislature.
Initiative Statute
Initiative No. 09-0014

Referred by the Speaker to the Committee on Rules.

REPORTS

The following reports were presented by the Chief Clerk:

2009 OAL Determination No. 14(S)
(Pursuant to Government Code Section 11340.5)

Above transmitted report, together with letter of transmittal from Susan Lapsley, Director, Office of Administrative Law, dated July 13, 2009, referred by the Speaker to the Committee on Public Safety.

Board of Parole Hearings
Efforts to Transfer Foreign-Born Inmates to Their Countries of Origin
2009 Quarterly Report, Second Quarter
(Pursuant to Penal Code Section 2912(b)(1))

Above transmitted report, together with letter of transmittal from Martin Hoshino, Executive Officer, Department of Corrections and Rehabilitation, dated June 15, 2009, referred by the Speaker to the Committee on Budget.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 22—Miller. Relative to Iranian persecution: Baha'i.

AUTHOR'S AMENDMENTS
Committee on Appropriations

July 15, 2009

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

Senate Bill No. 321

Senate Bill No. 752

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

DE LEÓN, Chair

SENATE BILL NO. 321—An act to amend Section 53753 of the Government Code, relating to local government.

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. 752—An act to add Section 31678.31 to the Government Code, relating to county employees' retirement, 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.

REPORTS OF STANDING COMMITTEES
Committee on Elections and Redistricting

Date of Hearing: July 15, 2009

Mme. Speaker: Your Committee on Elections and Redistricting reports:

Assembly Constitutional Amendment No. 21

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

FONG, Chair

Above resolution ordered to second reading.

Committee on Appropriations

Date of Hearing: July 15, 2009

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 90

Senate Bill No. 220

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

DE LEÓN, Chair

Above bills ordered to second reading.

Date of Hearing: July 15, 2009

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 627

Senate Bill No. 748

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 bills be placed on the Consent Calendar.

DE LEÓN, Chair

Above bills ordered to second reading.

Date of Hearing: July 15, 2009

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 832

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

DE LEÓN, Chair

Above bill re-referred to the Committee on Revenue and Taxation.

Date of Hearing: July 15, 2009

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 95

Senate Bill No. 104

Senate Bill No. 183

Senate Bill No. 204

Senate Bill No. 300

Senate Bill No. 305

Senate Bill No. 372

Senate Bill No. 448

Senate Bill No. 455

Senate Bill No. 556

Senate Bill No. 557

Senate Bill No. 585

Senate Bill No. 741

Senate Bill No. 811

Senate Bill No. 819

With the recommendation: Do pass.

DE LEÓN, Chair

Above bills ordered to second reading.

Date of Hearing: July 15, 2009

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 113

Senate Bill No. 671

Senate Bill No. 294

Senate Bill No. 691

Senate Bill No. 308

Senate Bill No. 783

Senate Bill No. 605

Senate Bill No. 822

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.

DE LEÓN, Chair

Above bills ordered to second reading.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 77—Relative to the California Global Warming Solutions Act of 2006.

Resolution read; amendments proposed by the Committee on Jobs, Economic Development, and the Economy 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. 492, 716, 242, 348, 510, 43, 93, and 676, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 488—An act to add and repeal Section 9505 to, and to add and repeal Chapter 6.1 (commencing with Section 2795) of Part 2 of Division 1 of, the Public Utilities Code, relating to energy.

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

SENATE BILL NO. 54—An act to amend Section 308 of the Family Code, relating to family law.

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. 660—An act to amend Section 1923.5 of, and to add Section 1923.1 to, the Civil Code, relating to reverse mortgages.

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. 94—An act to amend Sections 10085, 10133.1, and 10177 of, to add Section 10147.6 to, and to add and repeal Sections 6106.3 and 10085.6 of, the Business and Professions Code, to amend Section 2945.1 of, to add Section 2944.6 to, and to add and repeal Section 2944.7 of, the Civil Code, and to amend Section 22161 of the Financial Code, relating to mortgage loans.

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. 367—An act to add Section 51.13 to the Civil Code, relating to discrimination.

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. 548—An act to amend Section 999.5 of the Military and Veterans Code, relating to veterans.

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

SENATE BILL NO. 797—An act to add Chapter 12 (commencing with Section 108940) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

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

SENATE BILL NO. 546—An act to add Section 25250.29 to the Health and Safety Code, and to amend Sections 48100, 48623, 48631, 48632, 48645, 48650, 48651, 48652, 48653, 48656, 48660, 48660.5, 48662, 48670, 48673, 48674, 48690, and 48691 of, to add Sections 48620.2, 48651.5, and 48654 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; 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. 138—An act to amend Section 7287 of the Revenue and Taxation Code, relating to local taxation.

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

SENATE BILL NO. 323—An act to amend Section 69984 of the Education Code, and to add and repeal Chapter 3.5 (commencing with Section 18900) of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

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

SENATE BILL NO. 401—An act to amend Sections 19116, 19504, 19755, and 19777 of, and to add Section 18407.5 to, the Revenue and Taxation Code, relating to taxation.

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

SENATE BILL NO. 809—An act to add Section 6018.3 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

SENATE JOINT RESOLUTION NO. 1—Relative to the Sales Tax Fairness and Simplification Act.

Resolution read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted, resolution ordered reprinted and to be placed upon the third reading file.

SENATE BILL NO. 364—An act to add Section 1285.5 to 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. 726—An act to amend Sections 2401 and 2401.1 of the Business and Professions Code, relating to medicine.

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. 197—An act to amend Sections 1335, 1336, 1337, and 1341 of the Penal Code, relating to domestic violence.

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.

SENATE BILL NO. 223—An act to amend Section 51225.3 of the Education Code, relating to education.

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. 234—An act to add Section 33543 to the Education Code, relating to curriculum.

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. 334—An act to amend Section 17072.10 of the Education Code, relating to school facilities.

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. 365—An act to amend Section 17070.20 of the Education Code, and to amend Section 15490 of, to add Section 15490.5 to, and to repeal Section 14620 of, the Government Code, relating to the State Allocation Board.

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. 471—An act to add Article 13 (commencing with Section 33475) to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code, relating to education.

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. 552—An act to add Section 51882 to the Education Code, relating to schools.

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. 651—An act to amend Section 52052.1 of, and to add Section 48070.6 to, the Education Code, relating to pupil retention.

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. 191—An act to amend Section 47660 of the Education Code, relating to charter schools.

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. 247—An act to amend Section 60422 of the Education Code, relating to electronic instructional materials.

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

SENATE BILL NO. 253—An act to add Section 52377.5 to the Education Code, relating to career technical education.

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

SENATE BILL NO. 398—An act to amend Section 18691 of the Health and Safety Code, relating to mobilehomes.

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

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 9:30 a.m., Thursday, July 16, 2009.

KAREN BASS, Speaker

AMY LEACH, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JULY 15, 2009

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

ACR	RN	SB	RN
77	0919534	367	0919926
		398	0919937
		401	0919587
		471	0919753
		488	0919802
		546	0919695
		548	0919896
		552	0919740
		651	0919993
		660	0919794
		726	0919848
		752	0919811
		797	0919952
		809	0919529
		SJR	RN
		1	0919594
Daily Total:		30	
Cumulative Total:		2134	