

CALIFORNIA LEGISLATURE  
2009–10 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, January 5, 2010**

**ONE HUNDRED THIRTY-FIRST SESSION DAY**

**FOUR HUNDRED FIRST 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, January 5, 2010

The Assembly met at 5:16 p.m.  
Hon. Isadore Hall III, Assistant Speaker pro Tempore 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 Ma moved a quorum call of the Assembly.  
Motion carried. Time, 5:16 p.m.  
The Assistant Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### CAUCUS ANNOUNCEMENTS

Assistant Speaker pro Tempore Hall announced that the Republican Caucus would meet immediately, in the Tom Bane Rules Committee Room.

#### Quorum Present

At 5:48 p.m., Assistant Speaker pro Tempore Hall declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—71:

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

**PRAYER**

Upon invitation of Assistant Speaker pro Tempore Hall, the following prayer was offered by Assembly Member Cathleen Galgiani, 17th Assembly District:

*Father,* For this new day with its promise and potential, we thank You. May our part in this day be full of meaning and hope for others. May our efforts and our words be characterized by kindness and give expression to the good will and truth that is within us. May they also be the key which unlocks the good and truth in others.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Hall, Assembly Member Emmerson 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 Strickland.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On personal business, and waiving per diem: Assembly Members Hernandez and Villines.*

*Because of illness: Assembly Members Anderson and Carter.*

*Because of illness in her family: Assembly Member Huber.*

*Because of deaths in their families: Assembly Members Fletcher and Saldaña.*

**ACTION RESCINDED ON ASSEMBLY BILL NO. 1107**

Assembly Member Ma was granted unanimous consent to rescind the action whereby the Assembly, on Monday, January 4, 2010 (Assembly Journal, page 3671), re-referred Assembly Bill No. 1107 to the Committee on Natural Resources and then back to the Committee on Environmental Safety and Toxic Materials.

**JOINT RULE 62(a) WAIVED**

Assembly Member Ma was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1556 for hearing in the Committee on Jobs, Economic Development, and the Economy on Wednesday, January 6, 2010, upon Call of the Chair.

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Assembly Bill No. 182**, on request of Assembly Member Ma.

**COMMUNICATIONS**

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

January 5, 2010

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

Dear Dotson: Please be advised that I have created the Select Committee on Prison and Rehabilitation Reform for the 2009–10 Regular Session and have appointed Assemblymember Alberto Torrico as the Chair.

Sincerely,

KAREN BASS  
Speaker of the Assembly

January 5, 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 Joe Coto to replace Assemblymember Wilmer Carter on the Assembly Insurance Committee for the Wednesday, January 6 hearing only.

Sincerely,

KAREN BASS  
Speaker of the Assembly

January 5, 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 Hector De La Torre to fill the Democratic vacancy on the Assembly Local Government Committee for the Wednesday, January 13 hearing only.

Sincerely,

KAREN BASS  
Speaker of the Assembly

January 5, 2010

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

RE: Appointment of Tommy Ross  
to California Film Commission

Dear Mr. Wilson: Please be advised I have appointed Mr. Tommy Ross to the California Film Commission. This is a term appointment starting January 5, 2010 and the expiration date is January 5, 2012. Mr. Ross will be replacing Ms. Katharine Duhamel.

Sincerely,

KAREN BASS  
Speaker of the Assembly

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

January 4, 2010

*The Honorable Arnold Schwarzenegger  
Governor, State of California  
State Capitol, First Floor  
Sacramento, California*

Dear Governor Schwarzenegger: Pursuant to the Government Code and on behalf of the Speaker of the Assembly, the Honorable Karen Bass, I am forwarding a letter of resignation from Assembly Member Paul Krekorian effective upon his taking the oath of office for the Los Angeles City Council on January 5, 2010.

Sincerely,

E. DOTSON WILSON  
Chief Clerk

(Note: For letter of resignation of Assembly Member Krekorian, 43rd Assembly District, see Assembly Journal for January 4, 2010, page 3648.)

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committees were permitted to meet:

Transportation to meet jointly with the following Senate committees: Transportation and Housing, Select Committee on Bay Area Transportation, and the Budget and Fiscal Review Subcommittee No. 2 on Resources, Environmental Protection, Energy and Transportation, Tuesday, January 12, 2010, at 1:30 p.m., in Room 4203;

Transportation, for an informational hearing, Monday, January 11, 2010, in Room 4202;

Jobs, Economic Development, and the Economy, Wednesday, January 6, 2010, upon Call of the Chair;

Aging and Long-Term Care, Tuesday, January 12, 2010, upon Call of the Chair.

**REPORTS**

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2009-002.2  
December 21, 2009

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: Pursuant to guidance issued by the U.S. Office of Management and Budget (OMB), the California State Auditor's Office (State Auditor's Office) presents its interim report concerning various state departments' administration of federal programs during fiscal year 2008–09. With the passage of the American Recovery and Reinvestment Act of 2009 (Recovery Act) comes a renewed emphasis on accountability and public transparency to ensure federal funds are spent properly. A key component of such accountability and transparency is the annual report from the State Auditor's Office on internal control and compliance with federal laws and regulations. OMB's June 2009 guidance stresses the importance of auditors communicating promptly any identified internal control deficiencies to management and those charged with governance. In addition, the guidance states that it is imperative that deficiencies in internal control be corrected by management as soon as possible to ensure proper accountability and transparency for expenditures of Recovery Act awards.

This interim report summarizes audit results pertaining to eight federal programs administered by five departments. The State Auditor's Office has currently identified 24 findings regarding the departments' administration of these federal programs during fiscal year 2008–09. In many cases the findings are recurring issues we identified in past audits. In general, the findings focused on federal requirements regarding eligibility of individuals, whether costs were allowable, and monitoring subrecipients', such as cities and counties, use of funds. The specific federal programs, and their administering state departments, are listed in the table of contents. Where applicable, the State Auditor's Office performed a preliminary review of state departments' methodology for reporting the number of jobs created or retained with Recovery Act funds. Of the five departments, only two—the Department of Rehabilitation and the Department of Transportation—reported jobs created or retained. According to federal guidelines, the remaining three departments were not subject to these reporting requirements. The Department of Rehabilitation followed federal guidance and reported

13 jobs created or retained; however, the 1,590 jobs the Department of Transportation reported as created or retained is overstated by at least 390.

Respectfully submitted,

ELAINE M. HOWLE, CPA  
State Auditor

Above report referred to the Committee on Budget.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 5, 2010

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

Assembly Bill No. 113

Assembly Bill No. 1399

Assembly Bill No. 230

Assembly Bill No. 1414

Assembly Bill No. 284

Assembly Bill No. 1524

Assembly Bill No. 1065

Assembly Bill No. 1533

Assembly Bill No. 1118

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

**Assembly Bill No. 680** and **Senate Bill No. 4**, on request of Assembly Member Torrico.

**REPORTS OF STANDING COMMITTEES**

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

Date of Hearing: January 5, 2010

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

Assembly Bill No. 177

Assembly Bill No. 978

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

V. MANUEL PÉREZ, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 5, 2010

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

Assembly Bill No. 1420

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

V. MANUEL PÉREZ, Chair

Above bill re-referred to the Committee on Higher Education.

Date of Hearing: January 5, 2010

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

Assembly Bill No. 1378

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

V. MANUEL PÉREZ, Chair

Above bill re-referred to the Committee on Veterans Affairs.

Date of Hearing: January 5, 2010

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

Assembly Bill No. 1491

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

Above bill re-referred to the Committee on Judiciary.

**Committee on Health**

Date of Hearing: January 5, 2010

Mme. Speaker: Your Committee on Health reports:

Assembly Bill No. 535

With the recommendation: Do pass, and be re-referred to the Committee on Aging and Long-Term Care.

JONES, Chair

Above bill re-referred to the Committee on Aging and Long-Term Care.

Date of Hearing: January 5, 2010

Mme. Speaker: Your Committee on Health reports:

Assembly Bill No. 977

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

JONES, Chair

Above bill re-referred to the Committee on Business and Professions.

**REQUEST TO SUSPEND RULES**

Assembly Member Torrico requested unanimous consent that Joint Rule 62(a) be suspended to permit the Committee on Appropriations to meet on Wednesday, January 6, 2010, for purpose of hearing Assembly Bill No. 1533.

Assembly Member Hagman withheld unanimous consent.

**Motion to Suspend Joint Rule 62(a)**

Assembly Member Torrico moved that Joint Rule 62(a) be suspended to permit the Committee on Appropriations to meet on Wednesday, January 6, 2010, for the purpose of hearing Assembly Bill No. 1533.

Assembly Member Feuer seconded the motion.



Motion for suspension of the rules carried by the following vote:

**AYES—41**

Ammiano	Coto	Hill	Salas
Arambula	Davis	Huffman	Skinner
Beall	Eng	Jones	Solorio
Block	Evans	Lieu	Torlakson
Blumenfield	Feuer	Lowenthal	Torres
Bradford	Fong	Ma	Torrico
Brownley	Fuentes	Monning	Yamada
Buchanan	Furutani	Pérez, J.	Mme. Speaker
Caballero	Galgiani	Pérez, V.M.	
Calderon	Hall	Portantino	
Chesbro	Hayashi	Ruskin	

**NOES—23**

Adams	DeVore	Harkey	Nielsen
Berryhill, B.	Emmerson	Jeffries	Silva
Berryhill, T.	Fuller	Knight	Smyth
Blakeslee	Gaines	Logue	Strickland
Conway	Garrick	Miller	Tran
Cook	Hagman	Niello	

**RECESS**

By unanimous consent, at 6:27 p.m., Assistant Speaker pro Tempore Hall declared the Assembly recessed to convene Fifth Extraordinary Session.

**RECONVENED**

At 7:18 p.m., the Assembly reconvened.

Hon. Isadore Hall III, Assistant Speaker pro Tempore of the Assembly, presiding.

**ANNOUNCEMENTS**

Assistant Speaker pro Tempore Hall announced the following session schedule:

Wednesday, January 6, 2010, Floor Session, 9:30 a.m. for the Governor's State of the State address.

Thursday, January 7, 2010, Floor Session, 9:30 a.m.

**ADJOURN IN MEMORY**

Assembly Member Coto was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Evelio Grillo of Oakland.

Assembly Member Lowenthal was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of May Arenz of Long Beach and Don Kott of Naples.

Assembly Member Portantino was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jean Kulli, Marka Hibbs, and Hashem "Devin" Hussein of Pasadena.

Assembly Member Smyth was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Valerie Appell of Simi Valley.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following item:

**Suspend Joint Rule 62(a):** Hayashi—Aye; DeVore—No.

**MOTION TO ADJOURN**

At 7:19 p.m., Assembly Member Torrico moved that the Assembly do now adjourn.

Assembly Member Blakeslee seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 7:19 p.m., Assistant Speaker pro Tempore Hall declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1602—Bass.** An act to amend Section 1373 of the Health and Safety Code, and to amend Section 10277 of the Insurance Code, relating to health care coverage.

**ASSEMBLY BILL NO. 1603—Solorio.** An act to add Section 4655.5 to the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 1604—Nava (Coauthors: Ammiano, Chesbro, Huffman, Jones, Monning, and Salas).** An act to add Part 21 (commencing with Section 42001) to Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 101—Furutani (Coauthors: Blakeslee, Hill, V. Manuel Pérez, and Ruskin) (Coauthors: Senators Cedillo and Price).** Relative to Buy California Small Business First Month.

**AUTHOR'S AMENDMENTS  
Committee on Local Government**

January 5, 2010

Mme. Speaker: The Chair of your Committee on Local Government reports:

Assembly Bill No. 419

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

CABALLERO, Chair

**ASSEMBLY BILL NO. 419—**An act to add Section 6525.1 to the Government Code, relating to joint powers agreements.

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 Education**

January 5, 2010

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

Assembly Bill No. 391

Assembly Bill No. 917

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

BROWNLEY, Chair

**ASSEMBLY BILL NO. 391—**An act to amend Section 49085 of the Education Code, relating to public schools.

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.

**ASSEMBLY BILL NO. 917**—An act to amend Section 1 of the Education Code, relating to education.

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 Human Services**

January 5, 2010

Mme. Speaker: The Chair of your Committee on Human Services reports:  
Assembly Bill No. 1589

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

BEALL, Chair

**ASSEMBLY BILL NO. 1589**—An act to amend Section 4905 of, to add Section 4639.3 to, and to add Division 4.8 (commencing with Section 4910) to, the Welfare and Institutions Code, relating to developmental services.

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 Public Safety**

January 5, 2010

Mme. Speaker: The Chair of your Committee on Public Safety reports:  
Assembly Bill No. 740  
Assembly Bill No. 1155  
Assembly Bill No. 1244

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

AMMIANO, Chair

**ASSEMBLY BILL NO. 740**—An act to amend Section 12316 of, to add a heading for Chapter 2.6 (commencing with Section 12320) to, to repeal Sections 12317 and 12318 of, to repeal Article 3.5 (commencing with Section 12060) of Chapter 1 of, and to repeal the heading of Chapter 2.6 (commencing with Section 12316) of, Title 2 of Part 4 of the Penal Code, and to repeal Section 1 of Chapter 628 of the Statutes of 2009, relating to ammunition.

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.

**ASSEMBLY BILL NO. 1155**—An act to amend Section 21107.8 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.

**ASSEMBLY BILL NO. 1244**—An act relating to reentry.

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 Health**

January 5, 2010

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

Assembly Bill No. 602

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

JONES, Chair

**SENATE BILL NO. 602**—An act to amend Sections 113947.2 and 113947.3 of, and to add Sections 113790 and 113948 to, the Health and Safety Code, relating to food safety.

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 Agriculture**

January 5, 2010

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

Assembly Bill No. 1468

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

GALGIANI, Chair

**ASSEMBLY BILL NO. 1468**—An act to amend Section 9211 of the Food and Agricultural Code, relating to biologics.

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.

**ADJOURNMENT**

At 7:19 p.m., pursuant to the motion by Assembly Member Torrico, the Assembly adjourned until 9:30 a.m., Wednesday, January 6, 2010, out of respect to the memory of Evelio Grillo, on motion of Assembly Member Coto; out of respect to the memory of May Arenz and Don Kott, on motion of Assembly Member Lowenthal; out of respect to the memory of Jean Kulli, Marka Hibbs, and Hashem "Devin" Hussein, on motion of Assembly Member Portantino; and out of respect to the memory of Valerie Appell, on motion of Assembly Member Smyth.

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KAREN BASS, Speaker

AMY LEACH, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 5, 2010

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

<b>AB</b>	<b>RN</b>
391	0925880
419	1000072
516	0925693
740	1000116
917	0926114
1155	1000039
1244	0926167
1468	0926070
1589	0927054

<b>SB</b>	<b>RN</b>
602	0925894

<b>Daily Total:</b>	<b>10</b>
<b>Cumulative Total:</b>	<b>2515</b>

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