

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 7, 2010

ONE HUNDRED THIRTY-THIRD SESSION DAY

FOUR HUNDRED THIRD 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
Thursday, January 7, 2010

The Assembly met at 9 a.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 Silva moved a quorum call of the Assembly.
Motion carried. Time, 9:10 a.m.
The Assistant Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 9:31 a.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—74:

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

PRAYER

Upon invitation of Speaker pro Tempore Saldaña, the following prayer was offered by Assembly Member Brownley, 41st 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 Fong 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 Blakeslee.

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 Member Emmerson.

Because of illness: Assembly Member Carter.

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

COMMUNICATIONS

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

January 7, 2010

E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: This is to advise you that I have removed Assemblymember Fiona Ma from the Public Safety Committee, creating a Democratic vacancy.

Sincerely,

KAREN BASS
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Jobs, Economic Development, and the Economy, Wednesday, January 13, 2010, at 10 a.m., in Room 447;

Select Committee on Lowering California's High School Dropout Rates, Wednesday, January 20, 2010, at 3 p.m., in Room 437;

Governmental Organization, Thursday, January 14, 2010, in Room 437.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following resolutions were referred to committee:

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
99 -----	Rls.
100 -----	Rls.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 7, 2010

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

Assembly Bill No. 549

Assembly Bill No. 1178

Assembly Bill No. 953

Assembly Bill No. 1590

Assembly Bill No. 977

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

REQUEST FOR PHOTOGRAPHER

Assembly Member John A. Pérez was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

ADJOURN IN MEMORY

Speaker Bass and Assembly Members Yamada, De La Torre, Salas, Caballero, Calderon, and Swanson were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bill Cavala of Sacramento.

(Assembly Rule 45.5 suspended.)

At 9:59 a.m., Speaker Karen Bass, 47th District, presiding

NOMINATIONS FOR SPEAKER OF THE ASSEMBLY

Speaker Bass announced that, without objection, nominations are now open for the Office of Speaker.

Nominations from the Floor

Assembly Member Calderon nominated Assembly Member John A. Pérez for the Office of Speaker of the Assembly, to be sworn in at a regular Floor session convened by the Speaker pursuant to the Assembly Rules, or upon a vacancy, whichever occurs first.

Nomination Seconded

Assembly Members Hayashi, Ammiano, Hall, Portantino, De León, and Skinner seconded the nomination of Assembly Member John A. Pérez for the Office of Speaker of the Assembly.

Further Nominations from the Floor

Assembly Member Strickland nominated Assembly Member Blakeslee for the Office of Speaker of the Assembly.

Nomination Seconded

Assembly Members Smyth and Nielsen seconded the nomination of Assembly Member Blakeslee for the Office of Speaker of the Assembly.

NOMINATIONS CLOSED

There being no further nominations, the Speaker declared nominations for the Office of Speaker of the Assembly closed.

Speaker Bass announced that pursuant to long-standing usage and custom of the House, the roll for election of Speaker would be called orally, and that each Member should respond by stating the name of the candidate of his or her choice.

ELECTION OF SPEAKER OF THE ASSEMBLY

The roll was called, with the following result:

For Assembly Member John A. Pérez:

AYES: Assembly Members Ammiano, Arambula, Beall, Block, Blumenfield, Bradford, Brownley, Buchanan, Caballero, Calderon, Chesbro, Coto, Davis, De La Torre, De León, Eng, Evans, Feuer, Fong, Fuentes, Furutani, Galgiani, Hall, Hayashi, Hernandez, Hill, Huber, Huffman, Jones, Lieu, Lowenthal, Ma, Mendoza, Monning, Nava, John A. Pérez, V. Manuel Pérez, Portantino, Ruskin, Salas, Skinner, Solorio, Swanson, Torlakson, Torres, Torrico, Yamada, and Mme. Speaker (Bass)—48

For Assembly Member Blakeslee:

AYES: Assembly Members Adams, Anderson, Bill Berryhill, Tom Berryhill, Blakeslee, Conway, Cook, DeVore, Fuller, Gaines, Garrick, Gilmore, Hagman, Harkey, Jeffries, Knight, Logue, Miller, Nestande, Niello, Nielsen, Silva, Smyth, Strickland, Tran, and Villines—26

Whereupon Speaker Bass announced the vote and declared Assembly Member John A. Pérez the choice of the Assembly for the Office of Speaker of the Assembly.

(NOTE: Pursuant to the announcement, Speaker-elect John A. Pérez will take and subscribe to the oath of office at a date to be determined or upon a vacancy, whichever occurs first.)

ADDRESS BY SPEAKER-ELECT JOHN A. PÉREZ

Speaker-elect John A. Pérez addressed the assemblage from the Rostrum.

COMMUNICATIONS

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

Relative to Vote—Office of Speaker of the Assembly

January 7, 2010

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

Dear Mr. Wilson: Had I been in attendance for the January 7, 2010 session I would have voted for John A. Pérez for Speaker of the State Assembly.

Sincerely,

WILMER AMINA CARTER, Assembly Member
 Sixty-second District

Relative to Vote—Office of Speaker of the Assembly

January 7, 2010

Mr. Dotson Wilson
Chief Clerk, California State Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: Due to the recent passing of my mother, I was unable to return to Sacramento for the start of the 2010 Legislative Session, commencing on January 4, 2010. As a result, I was unable to be present during the subsequent vote for the Assembly Speakership on Thursday, January 7. Notwithstanding, I would like to confirm my support for John A. Pérez, as Speaker of the Assembly, and am fully confident of his ability to carry out such a significant leadership position.

Should you have any questions, please do not hesitate to contact me in my Capitol Office at (916) 319-2076.

Thank you.

Sincerely,

LORI SALDAÑA, Assembly Member
 Seventy-sixth District

ANNOUNCEMENTS

Speaker Bass announced the following session schedule:
 Monday, January 11, 2010, Floor Session, 12 noon.

CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 41—An act to amend Section 926.2 of, and to add Section 926.3 to, the Insurance Code, relating to insurer investments.

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.

UNFINISHED BUSINESS**MOTION TO RECONSIDER ASSEMBLY BILL NO. 964 CONTINUED**

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 964 was continued until the next legislative day.

MOTION TO ADJOURN

At 10:55 a.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 10:55 a.m., Speaker Bass declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1607—Knight. An act to amend Section 487i of the Penal Code, relating to crimes.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 103—John A. Pérez. Relative to the Los Angeles County Deputy Sheriff Juan Abel Escalante Memorial Highway.

**AUTHOR'S AMENDMENTS
Committee on Judiciary**

January 7, 2010

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

Assembly Bill No. 634

Assembly Bill No. 967

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

FEUER, Chair

ASSEMBLY BILL NO. 634—An act to amend Section 831.7 of the Government Code, relating to liability.

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. 967—An act to amend Section 400 of the Family Code, relating to marriage.

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 Judiciary**

January 7, 2010

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

Assembly Bill No. 973

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

FEUER, Chair

ASSEMBLY BILL NO. 973—An act to amend Section 305.6 of the Welfare and Institutions Code, relating to minors.

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 7, 2010

Mme. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 984

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

AMMIANO, Chair

ASSEMBLY BILL NO. 984—An act to amend Section 152.3 of, and to add Section 152.5 to, the Penal Code, relating to crimes.

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 Business and Professions

January 7, 2010

Mme. Speaker: The Chair of your Committee on Business and Professions reports:

Assembly Bill No. 424

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

HAYASHI, Chair

ASSEMBLY BILL NO. 424—An act to add Section 53114.5 to the Government Code, relating to the 911 emergency response system.

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 Business and Professions

January 6, 2010

Mme. Speaker: Your Committee on Business and Professions reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 484

Assembly Bill No. 641

Assembly Bill No. 721

HAYASHI, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Rules

Date of Hearing: January 7, 2010

Mme. Speaker: Your Committee on Rules reports:

Assembly Bill No. 317

With the recommendation: That the bill be re-referred to the Committee on Education.

LIEU, Chair

Above bill re-referred to the Committee on Education.

Date of Hearing: January 7, 2010

Mme. Speaker: Your Committee on Rules reports:

Assembly Bill No. 113

Assembly Bill No. 223

Assembly Bill No. 1225

With the recommendation: That the bills be re-referred to the Committee on Health.

LIEU, Chair

Above bills re-referred to the Committee on Health.

Date of Hearing: January 7, 2010

Mme. Speaker: Your Committee on Rules reports:
Assembly Bill No. 1436

With the recommendation: That the bill be re-referred to the Committee on Higher Education.

LIEU, Chair

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

Date of Hearing: January 7, 2010

Mme. Speaker: Your Committee on Rules reports:
Assembly Bill No. 967
Assembly Bill No. 1229

With the recommendation: That the bills be re-referred to the Committee on Judiciary.

LIEU, Chair

Above bills re-referred to the Committee on Judiciary.

Date of Hearing: January 7, 2010

Mme. Speaker: Your Committee on Rules reports:
Assembly Bill No. 987
Assembly Bill No. 1451

With the recommendation: That the bills be re-referred to the Committee on Local Government.

LIEU, Chair

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

Date of Hearing: January 7, 2010

Mme. Speaker: Your Committee on Rules reports:
Assembly Bill No. 984
Assembly Bill No. 1532

With the recommendation: That the bills be re-referred to the Committee on Public Safety.

LIEU, Chair

Above bills re-referred to the Committee on Public Safety.

Date of Hearing: January 7, 2010

Mme. Speaker: Your Committee on Rules reports:
Assembly Bill No. 384
Assembly Bill No. 658

With the recommendation: That the bills be re-referred to the Committee on Revenue and Taxation.

LIEU, Chair

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

Date of Hearing: January 7, 2010

Mme. Speaker: Your Committee on Rules reports:
Assembly Bill No. 498
Assembly Bill No. 1097

With the recommendation: That the bills be re-referred to the Committee on Transportation.

LIEU, Chair

Above bills re-referred to the Committee on Transportation.

Date of Hearing: January 7, 2010

Mme. Speaker: Your Committee on Rules reports:

Assembly Bill No. 408

With the recommendation: That the bill be re-referred to the Committee on Water, Parks and Wildlife.

LIEU, Chair

Above bill re-referred to the Committee on Water, Parks and Wildlife.

Date of Hearing: January 7, 2010

Mme. Speaker: Your Committee on Rules reports:

Assembly Bill No. 151

Assembly Bill No. 1370

Assembly Bill No. 1431

With the recommendation: That the bills be re-referred to the Committee on Business and Professions.

LIEU, Chair

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

Date of Hearing: January 7, 2010

Mme. Speaker: Your Committee on Rules reports:

Assembly Bill No. 1199

With the recommendation: That the bill be re-referred to the Committee on Local Government and Committee on Appropriations.

LIEU, Chair

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

Date of Hearing: January 7, 2010

Mme. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 96

Assembly Concurrent Resolution No. 98

With the recommendation: Be adopted.

LIEU, Chair

Above resolutions ordered to third reading.

INTRODUCTION OF GUESTS

Assembly Member Gilmore, of the 30th Assembly District, introduced attendees of the Police Officers Standards and Training (POST) Supervisory Leadership Institute, including 22 sergeants from 21 agencies throughout California.

Speaker Bass, of the 47th Assembly District, introduced Dr. Deborah LeBlanc.

ADJOURNMENT

At 3:30 p.m., pursuant to the motion by Assembly Member Torrico, the Assembly adjourned until 12 noon, Monday, January 11, 2010 out of respect to the memory of Bill Cavala, on motion of Speaker Bass and Assembly Members Yamada, De La Torre, Salas, Caballero, Calderon, and Swanson.

KAREN BASS, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 7, 2010**

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

AB	RN	
41	0927117	
424	1000287	
634	1000163	
967	1000019	
973	1000152	
984	0926677	
	Daily Total:	6
	Cumulative Total:	2526

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