

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, January 15, 2010

ONE HUNDRED THIRTY-EIGHTH SESSION DAY

FOUR HUNDRED ELEVENTH 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
Friday, January 15, 2010

The Assembly met at 6:30 a.m.

Hon. Tom Berryhill, Assembly Member, 25th 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—52:

Adams	DeVore	Huber	Pérez, V. Manuel
Ammiano	Eng	Jeffries	Portantino
Anderson	Evans	Jones	Ruskin
Beall	Feuer	Knight	Salas
Berryhill, Tom	Fong	Logue	Silva
Blumenfield	Fuentes	Lowenthal	Skinner
Bradford	Fuller	Miller	Solorio
Buchanan	Gaines	Monning	Swanson
Calderon	Garrick	Nava	Torlakson
Chesbro	Hagman	Nestande	Torrico
Conway	Harkey	Niello	Tran
Cook	Hayashi	Nielsen	Villines
De La Torre	Hill	Pérez, John	Yamada

Quorum present.

At 2:14 p.m., Hon. Brian Nestande, 64th 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 Arambula, Bass, Bill Berryhill, Blakeslee, Block, Brownley, Caballero, Coto, Davis, De León, Emmerson, Fletcher, Furutani, Galgiani, Huffman, Mendoza, Smyth, Strickland, and Torres.

On legislative business, and waiving per diem: Assembly Members Lieu and Ma.

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

Because of illness: Assembly Member Carter.

Because of a death in their families: Assembly Members Gilmore, Hall, and Saldaña.

EXPLANATIONS OF ABSENCE

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

January 12, 2010

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

Dear Mme. Speaker: I would like to respectfully request permission to be excused from Assembly Check-in Session on legislative business on Friday, January 15, 2010. I have committed myself to speak at the Comprehensive Water Forum in my district.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at (916) 319-2031.

Sincerely,

JUAN ARAMBULA, Assembly Member
Thirty-first District

January 14, 2010

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

Dear Dotson: This is to advise you that I will not be in attendance for Check-in Session on Friday, January 15, 2009 due to legislative business.

Sincerely,

KAREN BASS
Speaker of the Assembly

December 12, 2009

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

Dear Speaker Bass: The purpose of this letter is request to be excused from Session on January 15, 2010 due to legislative business in my District.

Thank you for your consideration of this request.

Respectfully yours,

BILL BERRYHILL, Assembly Member
Twenty-sixth District

January 11, 2010

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

Dear Mme. Speaker,

This letter is to respectfully request an excuse from check-in session on January 15, 2010. I have legislative business in my district office.

If you have any questions, please call Karrie Watson at 319-2033.

Sincerely,

SAM BLAKESLEE, Assembly Member
Thirty-third District

December 3, 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 any potential session or check-in session that may occur on Friday, January 15, so that I may be present for official business in my district during the day of January 15.

Thank you for your assistance. Please contact my scheduler, Monica Hatley, at (916) 319-2078 if permission is granted, or if you have any questions.

Sincerely,

MARTY BLOCK, Assembly Member
Seventy-eighth District

January 11, 2010

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

Dear Mme. Speaker,

I would like to be excused from check-in session on Friday, January 15, 2010 due to legislative business and prior commitments in my district.

Thank you for your consideration of this request.

Sincerely,

JULIA BROWNLEY, Assembly Member
Forty-first District

January 7, 2010

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

Dear Speaker Bass: I am requesting to be excused from Check-In Session on Friday, January 15, 2010, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

ANNA M. CABALLERO, Assembly Member
Twenty-eighth District

January 11, 2010

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

Dear Speaker Bass: Please excuse me from Check-in Session on January 15, 2010 as I will be on legislative business in my district.

Please do not hesitate to call Jessica Golly at 319-2023 with any questions or concerns.

Sincerely,

JOE COTO, Assembly Member
Twenty-third District

January 12, 2010

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

Dear Mme. Speaker: Please excuse me from Check-In on Friday, January 15, 2010 on legislative business. I am hosting the Dr. Martin Luther King, Jr. National Commemoration program in my District. I will be returning to Sacramento the morning of Tuesday, January 19, 2010.

Sincerely,

MIKE DAVIS, Assembly Member
Forty-eighth District

January 11, 2010

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

Dear Mme. Speaker: I respectfully request to be excused on Friday, January 15, 2010 due to legislative business in the District. Thank you for your prompt attention to this matter.

Should you have any questions regarding this request, please contact Bernice Jimenez in my Capitol office at 319-2063.

Sincerely,

BILL EMMERSON, Assembly Member
Sixty-third District

January 4, 2010

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

Speaker Bass: I respectfully request an excuse from session check-in on Friday, January 15 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

January 5, 2010

*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 Check-in Session on legislative business on Friday, January 15, 2010, in order that I may attend a Martin Luther King, Jr. Tribute.

Thank you for your consideration of this request.

Sincerely,

WARREN T. FURUTANI, Assembly Member
Fifty-fifth District

January 11, 2010

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

Dear Speaker Bass: I would like to request that I be excused from Check-in Session on Friday January 15, 2010, as I will be in Florida on legislative business.

If you have any questions, please contact Reichel Everhart of my staff at 319-2017.

Thank you.

Sincerely,

CATHLEEN GALGIANI, Assembly Member
Seventeenth District

January 6, 2010

*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 or Session on January 15, 2010 due to legislative business in my district.

Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

JARED HUFFMAN, Assembly Member
Sixth District

January 11, 2010

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

Dear Mme. Speaker: I respectfully request to be excused from Check-in Session on Friday, January 15, 2010 due to legislative business waiving per diem. 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

January 11, 2010

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

Dear Speaker Bass,

I am respectfully requesting an excused absence from the Friday, January 15, 2010 Assembly Session on legislative business. I will be traveling to Aspen, Colorado to participate in the Aspen Rodel Fellowship seminar entitled, "Political Leadership and the Principles of Western Democracy". The seminar is scheduled to begin on January 14 and end on Monday, January 18. I respectfully waive per diem as deemed appropriate by the Assembly Rules Committee.

Should you have any questions, please feel free to contact Nick Hardeman in my office at 916-319-2012.

Sincerely,

FIONA MA, Assembly Member
Twelfth District

January 4, 2010

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

Dear Mme. Speaker: I am respectfully requesting permission to be excused from Session on Friday, January 15 due to legislative business in my district.

I want to thank you in advance for your consideration of this request.

Sincerely,

TONY MENDOZA, Assembly Member
Fifty-sixth District

January 7, 2010

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

Dear Mme. Speaker: Please excuse me from check-in session on Friday, January 15, 2010, due to legislative business in my district.

Should you have any questions, please contact Donda Scholl in my office at 319-2038.

Thank you for your attention to this matter.

Sincerely,

CAMERON M. SMYTH, Assembly Member
Thirty-eighth District

January 11, 2010

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

Dear Mme. Speaker: I respectfully request a legislative excuse for Friday, January 15, 2010 due to legislative business in the 37th Assembly District.

If you have any questions, please call Sam Chung at 319-2037.

Sincerely,

AUDRA STRICKLAND, Assembly Member
Thirty-seventh District

December 23, 2009

*Assembly Speaker Karen Bass
California State Assembly
State Capitol
Sacramento, California*

Dear Speaker Bass: Your consideration is respectfully requested to be excused on legislative business if there is a check-in session on Friday, January 15, 2010.

Thank you for your consideration.

Sincerely,

NORMA J. TORRES, Assembly Member
Sixty-first District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 15, 2010

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

Assembly Bill No. 535

Assembly Bill No. 1254

Assembly Bill No. 656

Assembly Bill No. 1556

Assembly Bill No. 1204

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 15, 2010

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

Assembly Joint Resolution No. 26

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered returned to second reading file.

Assembly Chamber, January 15, 2010

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

Assembly Bill No. 139

Assembly Bill No. 419

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, January 15, 2010

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1586

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1654—Conway. An act to amend Section 38004 of the Education Code, and to amend Section 165 of the Vehicle Code, relating to school districts.

ASSEMBLY BILL NO. 1655—Evans. An act to add and repeal Sections 369.6 and 739.6 of the Welfare and Institutions Code, relating to dependent children.

ASSEMBLY BILL NO. 1656—Ma. An act to add Title 1.1B (commencing with Section 1739.80) to Part 4 of Division 3 of the Civil Code, relating to fur products.

ASSEMBLY BILL NO. 1657—De La Torre. An act to add Section 7073.2 to the Government Code, relating to economic development.

AUTHOR'S AMENDMENTS Committee on Appropriations

January 15, 2010

Mme. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 1375

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

DE LEÓN, Chair

ASSEMBLY BILL NO. 1375—An act to repeal and add Division 19.5 (commencing with Section 185000) of the Public Utilities Code, relating to high-speed rail.

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 Revenue and Taxation

January 14, 2010

Mme. Speaker: Your Committee on Revenue and Taxation reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 847

CALDERON, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Banking and Finance

Date of Hearing: January 11, 2010

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

Assembly Joint Resolution No. 23

With amendments with the recommendation: Amend, and be adopted as amended.

NAVA, Chair

Above resolution ordered to second reading.

Committee on Environmental Safety and Toxic Materials

Date of Hearing: January 12, 2010

Mme. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Assembly Joint Resolution No. 24

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

CHESBRO, Chair

Above resolution ordered to second reading.

**CONSIDERATION OF DAILY FILE
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bills Nos. 139 and 419 ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 317—An act to add Section 46011.3 to the Education Code, relating to school attendance.

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.

ASSEMBLY BILL NO. 1374—An act to amend Sections 44260.2 and 44260.3 of, and to repeal Section 44260.8 of, the Education Code, relating to adult 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.

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

Bill 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.

ASSEMBLY BILL NO. 1244—An act to add Section 3007.5 to the Penal Code, relating to parolees.

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.

ASSEMBLY BILL NO. 220—An act to amend Sections 17070.15, 17070.63, 17071.75, 17072.32, 17074.15, 17074.16, 17074.26, and 17076.10 of the Education Code, relating to public education 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.

ASSEMBLY BILL NO. 391—An act to amend 60604 of, and to add Section and repeal Section 60649.1 to, the Education Code, relating to pupil assessment.

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.

ASSEMBLY BILL NO. 976—An act to amend Section 51745 of the Education Code, relating to public 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.

ASSEMBLY BILL NO. 1223—An act to amend Section 52372.5 of, and to add Section 44257.3 to, the Education Code, relating to linked learning.

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.

ADJOURNMENT

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

ALBERTO TORRICO, Majority Floor Leader

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 15, 2010**

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

AB	RN	
220	1000954	
317	1000702	
391	1000788	
976	1000953	
984	1000965	
1223	1000905	
1244	1000997	
1374	1000700	
1375	1000851	
Daily Total:		9
Cumulative Total:		2565

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