

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 19, 2010

**ONE HUNDRED THIRTY-NINTH SESSION DAY
FOUR HUNDRED FIFTEENTH 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
Tuesday, January 19, 2010

The Assembly met at 12 noon.

Hon. John A. Pérez, Speaker-elect 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 Block moved a quorum call of the Assembly.

Motion carried. Time, 12:01 p.m.

The Speaker-elect directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 12:21 p.m., Speaker-elect John A. Pérez declared a quorum of the Assembly present.

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

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

PRAYER

Upon invitation of Speaker-elect John A. Pérez, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

Lord, The Prophet David said, "My times are in Your hand." He acknowledged that he didn't know what was going to happen, but that You knew what was best for him. Lord, we go out every day expecting good things to happen, but even if they don't, show us how to prepare for You to move in our life. Help us guard our words and our thoughts as we put our trust in You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker-elect John A. Pérez, Assembly Member Monning 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 legislative business: Assembly Members Bass and Lowenthal.

Due to travel delays: Assembly Members Brownley, Calderon, Davis, and Hall.

Because of illness: Assembly Member Carter.

EXPLANATIONS OF ABSENCE

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

January 15, 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 Session Tuesday, January 19 through Thursday, January 21, 2010 due to legislative business.

Sincerely,

KAREN BASS
Speaker of the Assembly

January 6, 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 Floor Session/Check-in on Tuesday, January 19, 2010, for legislative business in my district. I will be installing the new officers for the Harbor Association of Industries and Commerce.

Thank you for your consideration of my request. Should you have any questions please contact my office.

Sincerely,

BONNIE LOWENTHAL, Assembly Member
Fifty-fourth District

COMMUNICATIONS

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

January 13, 2010

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

RE: Appointment of Naphtali Offen
to Tobacco Education and Research Oversight Committee

Dear Mr. Wilson: Please be advised I have appointed Mr. Naphtali Offen to the Tobacco Education and Research Oversight Committee. This is a term appointment starting January 13, 2010 and the expiration date is January 1, 2012. Mr. Offen will be replacing Dr. Lourdes Baezconde-Garbanati.

Sincerely,

KAREN BASS
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 19, 2010

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

Assembly Bill No. 1374

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, January 19, 2010

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

Assembly Bill No. 220

Assembly Bill No. 317

Assembly Bill No. 391

Assembly Bill No. 976

Assembly Bill No. 984

Assembly Bill No. 1223

Assembly Bill No. 1244

Assembly Bill No. 1375

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

RE-REFERENCE OF BILLS

Assembly Member Ma was granted unanimous consent that the following bill be re-referred as noted pursuant to Assembly Rule 96:

Assembly Bill No. 1054 from the Committee on Judiciary to the Committee on Appropriations.

BILLS WITHDRAWN FROM COMMITTEE AND PLACED ON FILE

Assembly Member Ma was granted unanimous consent that Assembly Bill No. 1263, be withdrawn from the Committee on Appropriations and placed on the second reading file.

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

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 1374, ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY JOINT RESOLUTION NO. 23—Relative to the economy.

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

ASSEMBLY JOINT RESOLUTION NO. 24—Relative to marine air pollution.

Resolution read; amendments proposed by the Committee on Environmental Safety and Toxic Materials read and adopted; resolution ordered reprinted and to be placed upon the third reading file.

RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE

Assembly Member Ma was granted unanimous consent that Assembly Joint Resolution No. 23 be referred from the third reading file to the Committee on Rules.

JOINT RULE 62(a) SUSPENDED

Assembly Member Ma was granted unanimous consent that Joint Rule 62(a) be suspended for the purpose of setting Assembly Bill No. 1054 for hearing in the Committee on Appropriations on Thursday, January 21, 2010, upon adjournment of Floor session in Room 4202.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 1004 (Portantino)—An act to add Section 53154.5 to the Government Code, relating to local government.

Bill read third time, and passed by the following vote:

AYES—57

Adams	De León	Hayashi	Portantino
Ammiano	DeVore	Hernandez	Ruskin
Anderson	Emmerson	Hill	Salas
Beall	Evans	Huber	Saldaña
Berryhill, B.	Feuer	Huffman	Silva
Blakeslee	Fletcher	Jones	Smyth
Block	Fong	Knight	Solorio
Blumenfield	Fuller	Logue	Strickland
Bradford	Furutani	Ma	Torlakson
Buchanan	Gaines	Mendoza	Torrico
Caballero	Galgiani	Miller	Tran
Conway	Garrick	Niello	Villines
Cook	Gilmore	Nielsen	
Coto	Hagman	Pérez, J.	
De La Torre	Harkey	Pérez, V.M.	

NOES—6

Chesbro	Skinner	Torres
Lieu	Swanson	Yamada

Vote Changes

By unanimous consent, the following vote changes were permitted on Assembly Bill No. 1004: Assembly Member Yamada from “Aye” to “No”; Assembly Member Monning from “Aye” to “Not Voting”.

Bill ordered transmitted to the Senate.

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

Bill read third time, and passed by the following vote:

AYES—71

Adams	De León	Hernandez	Pérez, V.M.
Ammiano	DeVore	Hill	Portantino
Anderson	Emmerson	Huber	Ruskin
Arambula	Eng	Huffman	Salas
Beall	Evans	Jeffries	Saldaña
Berryhill, B.	Feuer	Jones	Silva
Berryhill, T.	Fletcher	Knight	Skinner
Blakeslee	Fong	Lieu	Smyth
Block	Fuentes	Logue	Solorio
Blumenfield	Fuller	Ma	Strickland
Bradford	Furutani	Mendoza	Swanson
Buchanan	Gaines	Miller	Torlakson
Caballero	Galgiani	Monning	Torres
Chesbro	Garrick	Nava	Torrico
Conway	Gilmore	Nestande	Tran
Cook	Hagman	Niello	Villines
Coto	Harkey	Nielsen	Yamada
De La Torre	Hayashi	Pérez, J.	

NOES—None

Bill ordered transmitted to the Senate.

ASSEMBLY BILL NO. 1420 (V. Manuel Pérez)—An act to add Section 13997.8 to the Government Code, relating to state government.

Bill read third time, and passed by the following vote:

AYES—71

Adams	De León	Hernandez	Pérez, V.M.
Ammiano	DeVore	Hill	Portantino
Anderson	Emmerson	Huber	Ruskin
Arambula	Eng	Huffman	Salas
Beall	Evans	Jeffries	Saldaña
Berryhill, B.	Feuer	Jones	Silva
Berryhill, T.	Fletcher	Knight	Skinner
Blakeslee	Fong	Lieu	Smyth
Block	Fuentes	Logue	Solorio
Blumenfield	Fuller	Ma	Strickland
Bradford	Furutani	Mendoza	Swanson
Buchanan	Gaines	Miller	Torlakson
Caballero	Galgiani	Monning	Torres
Chesbro	Garrick	Nava	Torrico
Conway	Gilmore	Nestande	Tran
Cook	Hagman	Niello	Villines
Coto	Harkey	Nielsen	Yamada
De La Torre	Hayashi	Pérez, J.	

NOES—None

Bill ordered transmitted to the Senate.

ASSEMBLY BILL NO. 133 (Smyth)—An act to amend Section 66484 of the Government Code, relating to subdivisions.

Bill read third time, and passed by the following vote:

AYES—71

Adams	De León	Hernandez	Pérez, V.M.
Ammiano	DeVore	Hill	Portantino
Anderson	Emmerson	Huber	Ruskin
Arambula	Eng	Huffman	Salas
Beall	Evans	Jeffries	Saldaña
Berryhill, B.	Feuer	Jones	Silva
Berryhill, T.	Fletcher	Knight	Skinner
Blakeslee	Fong	Lieu	Smyth
Block	Fuentes	Logue	Solorio
Blumenfield	Fuller	Ma	Strickland
Bradford	Furutani	Mendoza	Swanson
Buchanan	Gaines	Miller	Torlakson
Caballero	Galgiani	Monning	Torres
Chesbro	Garrick	Nava	Torrico
Conway	Gilmore	Nestande	Tran
Cook	Hagman	Niello	Villines
Coto	Harkey	Nielsen	Yamada
De La Torre	Hayashi	Pérez, J.	

NOES—None

Bill ordered transmitted to the Senate.

CONSIDERATION OF CONSENT CALENDAR

The Speaker-elect announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Assembly Bills

ASSEMBLY BILL NO. 229 (Calderon)—An act to amend Section 16361 of the Probate Code, relating to the Uniform Principal and Income Act.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

ASSEMBLY BILL NO. 230 (Calderon)—An act to amend Sections 63.1 and 69.5 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

ASSEMBLY BILL NO. 939 (Committee on Judiciary)—An act to amend Sections 2400 and 2403 of the Family Code, relating to dissolution of marriage.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

ASSEMBLY BILL NO. 967 (Ma)—An act to amend Section 400 of the Family Code, relating to marriage.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

ASSEMBLY BILL NO. 1532 (Lieu)—An act to add Chapter 4.2 (commencing with Section 829.5) to Title 3 of Part 2 of the Penal Code, relating to code enforcement officers.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

Consent Calendar Roll Call

The roll was called, and the above bills on the Consent Calendar passed, by the following vote:

AYES—71

Adams	De León	Hernandez	Pérez, V.M.
Ammiano	DeVore	Hill	Portantino
Anderson	Emmerson	Huber	Ruskin
Arambula	Eng	Huffman	Salas
Beall	Evans	Jeffries	Saldaña
Berryhill, B.	Feuer	Jones	Silva
Berryhill, T.	Fletcher	Knight	Skinner
Blakeslee	Fong	Lieu	Smyth
Block	Fuentes	Logue	Solorio
Blumenfield	Fuller	Ma	Strickland
Bradford	Furutani	Mendoza	Swanson
Buchanan	Gaines	Miller	Torlakson
Caballero	Galgiani	Monning	Torres
Chesbro	Garrick	Nava	Torrico
Conway	Gilmore	Nestande	Tran
Cook	Hagman	Niello	Villines
Coto	Harkey	Nielsen	Yamada
De La Torre	Hayashi	Pérez, J.	

NOES—None**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****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 Thursday, January 21, 2010.

ANNOUNCEMENTS

Speaker-elect John A. Pérez announced the following session schedule:

Wednesday, January 20, 2010, Check-in Session, 7 a.m.–3 p.m.

Thursday, January 21, 2010, Floor Session, 9:30 a.m.

Committee on Appropriations will meet upon adjournment of Floor session.

Friday, January 22, 2010, No Session;

Last day for any policy or fiscal committee to hear and report to the Floor non-urgency Assembly Bills introduced in 2009. Last day to submit bill requests to the Office of Legislative Counsel.

ADJOURN IN MEMORY

Assembly Members DeVore and Harkey were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ron Young of Aliso Viejo.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Nestande was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Alan Seman of Rancho Mirage.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Torrico, Villines, Huffman, and Ruskin were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kevin O'Connor, Clu Cotter, and Tom Stolberg of Fresno and Dennis Mike Donovan of Palm Springs.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Evans and Chesbro were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Ruthsdotter of Sebastopol.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Bill Berryhill was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert G. Hills, Sr. of Manteca and Kevin M. Fatzer of Modesto.

Assembly Member Chesbro was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Susan Bell of Redwood Valley and Carl Larson of Clear Lake Oaks.

Assembly Member Furutani was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Kashiwabara of Long Beach.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Assembly Bill No. 1004: Blakeslee, Blumenfield, De La Torre, De León, DeVore, Feuer, Fletcher, Gaines, Gilmore, Hayashi, Hernandez, Jones, Mendoza, Ruskin, Saldaña, Silva, and Villines—Aye; Lieu, Skinner, and Swanson—No.

Assembly Bill No. 634: Anderson, Tom Berryhill, Blakeslee, Caballero, De La Torre, De León, Fletcher, Furutani, Gilmore, Jones, Mendoza, Ruskin, Skinner, and Villines—Aye.

Assembly Bill No. 1420: Anderson, Tom Berryhill, Blakeslee, De La Torre, De León, Fletcher, Gilmore, Jones, Mendoza, Ruskin, and Villines—Aye.

Assembly Bill No. 133: Tom Berryhill, Blakeslee, De La Torre, Feuer, Fletcher, Gilmore, Jones, and Lieu—Aye.

Assembly Bill No. 229, Consent Item: Tom Berryhill, Blakeslee, De La Torre, Feuer, Gilmore, Jones, and Monning—Aye.

MOTION TO ADJOURN

At 12:50 p.m., Assembly Member Hagman moved that the Assembly do now adjourn.

Assembly Member Ma seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:51 p.m., Speaker-elect John A. Pérez 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. 1658—Lieu. An act to amend Section 31639.7 of the Government Code, relating to public retirement.

ASSEMBLY BILL NO. 1659—Huber. An act to add Article 7.5 (commencing with Section 9147.7) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to state government.

ASSEMBLY BILL NO. 1660—Salas. An act to amend Section 21662.4 of the Public Utilities Code, relating to airports.

ASSEMBLY BILL NO. 1661—Nielsen. An act to amend Section 459 of the Penal Code, relating to burglary.

ASSEMBLY BILL NO. 1662—Portantino and Jeffries. An act to amend Sections 218, 17207, and 24347.5 of, and to add Sections 195.158, 195.159, and 195.160 to, the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1663—Hagman (Coauthors: Adams, Anderson, Conway, DeVore, Emmerson, Fletcher, Gaines, Gilmore, Harkey, Knight, Nestande, Niello, Nielsen, Silva, and Smyth). An act to repeal Section 12318 of, and to repeal Article 3.5 (commencing with Section 12060) of Chapter 1 of Title 2 of Part 4 of, the Penal Code, relating to ammunition.

AUTHOR'S AMENDMENTS Committee on Appropriations

January 19, 2010

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

Senate Bill No. 205

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

DE LEÓN, Chair

SENATE BILL NO. 205—An act to add Section 65089.20 to the Government Code, and to add Section 9250.4 to the Vehicle Code, relating to traffic congestion.

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 Rules**

Date of Hearing: January 19, 2010

Mme. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 104

With the recommendation: Be adopted.

LIEU, Chair

Above resolution ordered to third reading.

MESSAGES FROM THE SENATE

Senate Chamber, January 19, 2010

Mme. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 806

GREGORY P. SCHMIDT, Secretary of the Senate
By Bernadette McNulty, Assistant Secretary

Senate Chamber, January 19, 2010

Mme. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 61

GREGORY P. SCHMIDT, Secretary of the Senate
By Bernadette McNulty, Assistant Secretary**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

SENATE BILL NO. 806—An act to amend Section 25500.1 of the Business and Professions Code, relating to alcoholic beverages.

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 61—Relative to proclaiming National Mentoring Month.**INTRODUCTION OF GUESTS**

Assembly Member Hayashi, of the 18th Assembly District, introduced Chief Craig Bueno, Hayward Fire Department.

ADJOURNMENT

At 12:51 p.m., pursuant to the motion by Assembly Member Hagman, the Assembly adjourned until 7 a.m., Wednesday, January 20, 2010, out of respect to the memory of Ron Young, on motion of Assembly Members DeVore and Harkey; out of respect to the memory of Alan Seman, on motion of Assembly Member Nestande; out of respect to the memory of Kevin O'Connor, Clu Cotter, Tom Stolberg, and Dennis Mike Donovan, on motion of Assembly Members Torrico, Villines, Huffman, and Ruskin; out of respect to the memory of Mary Ruthsdotter, on motion of Assembly Members Evans and Chesbro; out of respect to the memory of Robert G. Hills, Sr. and Kevin M. Fatzer, on motion of Assembly Member Bill Berryhill; out of respect to the memory of Susan Bell and Carl Larson, on motion of Assembly Member Chesbro; and out of respect to the memory of John Kashiwabara, on motion of Assembly Member Furutani.

LORI SALDAÑA, Speaker pro Tempore

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 19, 2010**

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

AJR RN

23 1000811

24 1000985

SB RN

205 1001521

Daily Total: 3

Cumulative Total: 2568

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