

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, January 20, 2010

ONE HUNDRED FORTIETH SESSION DAY

FOUR HUNDRED SIXTEENTH 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, January 20, 2010

The Assembly met at 7 a.m.

Hon. Paul Cook, Assembly Member, 65th 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	Hernandez	Pérez, V. Manuel
Ammiano	De León	Hill	Portantino
Anderson	DeVore	Huber	Ruskin
Arambula	Emmerson	Huffman	Salas
Beall	Eng	Jeffries	Saldaña
Berryhill, Bill	Evans	Jones	Silva
Berryhill, Tom	Feuer	Knight	Skinner
Block	Fletcher	Lieu	Smyth
Blumenfield	Fong	Logue	Solorio
Bradford	Fuentes	Lowenthal	Strickland
Brownley	Fuller	Ma	Swanson
Buchanan	Furutani	Mendoza	Torlakson
Caballero	Gaines	Miller	Torres
Calderon	Garrick	Monning	Torrico
Chesbro	Gilmore	Nava	Tran
Conway	Hagman	Nestande	Villines
Cook	Hall	Niello	Yamada
Coto	Harkey	Nielsen	
Davis	Hayashi	Pérez, John	

Quorum present.

At 2:35 p.m., Hon. John A. Pérez, 46th 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 Bass and Blakeslee.

Because of illness: Assembly Members Carter and Galgiani.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

January 15, 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 on Wednesday, January 20. I will be in Washington D.C. on legislative business.

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

Sincerely,

SAM BLAKESLEE
Assembly Minority Leader

(NOTE: For letter explaining the absence of Assembly Member Bass on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Tuesday, January 19, 2010.)

SPECIAL COMMITTEE MEETINGS

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

Jobs, Economic Development, and the Economy, for an informational hearing, on Tuesday, February 2, 2010, at 9 a.m., in Room 127;

Insurance, for an informational hearing, on Wednesday, February 3, 2010, at 9 a.m., in Room 437;

Budget, for an overview hearing, on Wednesday, February 3, 2010, at 1 p.m., in Room 4202;

Budget, for an informational hearing, on Monday, February 8, 2010, at 2 p.m., in Room 4202;

Water, Parks and Wildlife, for an informational hearing, on Tuesday, February 9, 2010, at 9 a.m., in Room 437.

COMMUNICATIONS**Qualified Initiatives**

The following communication was presented by the Chief Clerk from:

Debra Bowen, Secretary of State, dated January 12, 2010, transmitting copies of the title, summary and text of the following qualified initiative:

**New Two-Thirds Vote Requirement for Local Public Electricity Providers.
Initiative Constitutional Amendment (#1369)**

Referred by the Speaker to the Committee on Utilities and Commerce.

REPORTS

The following reports were presented by the Chief Clerk:

**Project Resourcing and Schedule Management System
Quarterly Report, Fourth Quarter 2009
(Pursuant to Item 2660-492-0042, Budget Act of 2005)**

Above transmitted report, together with letter of transmittal from Randell Iwasaki, Director, Department of Transportation, dated January 15, 2010, referred by the Speaker to the Committee on Transportation.

**Nonsubstantive Reorganization of Deadly Weapon Statutes
(Pursuant to Chapter 128, Statutes of 2006)**

Above transmitted report, together with letter of transmittal from Susan Duncan Lee, Chairperson, California Law Revision Commission, dated January 15, 2010, referred by the Speaker to the Committee on Public Safety.

**Legislation Necessary to Maintain the Codes
(Pursuant to Government Code Section 10242)**

Above transmitted report, together with letter of transmittal from Diane F. Boyer-Vine, Legislative Counsel, Legislative Counsel of California, dated January 15, 2010, referred by the Speaker to the Committee on Judiciary.

**Annual Report of the Insurance Commissioner, 2008
(Pursuant to Insurance Code Section 12922)**

Above transmitted report, together with letter of transmittal from Steve Poizner, Insurance Commissioner, Department of Insurance, dated January 15, 2010, referred by the Speaker to the Committee on Insurance.

Regulations Enacted by the Board of Trustees in 2009

Above transmitted report, together with letter of transmittal from Benjamin F. Quillian, Executive Vice Chancellor and Chief Financial Officer, California State University, dated January 12, 2010, referred by the Speaker to the Committee on Higher Education.

**Implementation of Budget Reductions, FY 2008–09 and 2009–10
(Pursuant to Item 6610-001-0001, Provision 12, Budget Act of 2009–10)**

Above transmitted report, together with letter of transmittal from Robert Turnage, Assistant Vice Chancellor for Budget, California State University, dated January 7, 2010, referred by the Speaker to the Committee on Budget.

**Workload Justification
for Legal, Information Technology, and Civil Rights Activities
(Pursuant to Budget Act of 2009–10)**

Above transmitted report, together with letter of transmittal from Norma Ortega, Chief Information Officer, Department of Transportation, dated January 8, 2010, referred by the Speaker to the Committee on Budget.

**Twelfth Biennial Statewide Survey
of California Student Drug, Alcohol and Tobacco Use, 2007–08
(Pursuant to Health and Safety Code Section 11605)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Division of Administrative Support, Department of Justice, dated January 7, 2010, referred by the Speaker to the Committee on Public Safety.

**FY 2009–10 Budget Change Proposal
Reimbursement Authority for Project Initiation Documents**

Above transmitted report, together with letter of transmittal from Norma Ortega, Chief Information Officer, Department of Transportation, dated January 5, 2010, referred by the Speaker to the Committee on Budget.

**Review of Systems of Internal Control
(Pursuant to Government Code Sections 13400 through 13407)**

Above transmitted report, together with letter of transmittal from Stephen M. Hardy, Director, Department of Alcoholic Beverage Control, dated December 29, 2009, referred by the Speaker to the Committee on Business and Professions.

**Streamlined Capital Outlay Projects
Funded from Capital Outlay Bond Funds
(Pursuant to Budget Acts 1998 to 2008)**

Above transmitted report, together with letter of transmittal from Mark G. Yudof, President, University of California, dated November 20, 2009, referred by the Speaker to the Committee on Budget.

**Investment Holdings in Companies with Business Operations in Sudan
(Pursuant to Chapter 442, Statutes of 2006)**

Above transmitted report, together with letter of transmittal from Danny Brown, Acting Chief, California Public Employees' Retirement System, dated December 31, 2009, referred by the Speaker to the Committee on Public Safety and Revenue and Taxation.

**Investment Holdings in Companies with Business Operations in Iran
(Pursuant to Chapter 671, Statutes of 2007)**

Above transmitted report, together with letter of transmittal from Danny Brown, Acting Chief, California Public Employees' Retirement System, dated December 31, 2009, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Division of Apprenticeship Standards, Annual Report, 2008
(Pursuant to Labor Code Section 3073.5)**

Above transmitted report, together with letter of transmittal from John C. Duncan, Director, Department of Industrial Relations, Office of the Director, dated January 13, 2010, referred by the Speaker to the Committee on Business and Professions.

**Bureau of Investigations, Annual Report, 2007
(Pursuant to Labor Code Section 6330)**

Above transmitted report, together with letter of transmittal from John C. Duncan, Director, Department of Industrial Relations, Office of the Director, dated January 13, 2010, referred by the Speaker to the Committee on Labor and Employment.

**Counties and Design Build
(Pursuant to Public Contract Code Section 20133)**

Above transmitted report, together with letter of transmittal from Mac Taylor, Legislative Analyst, Legislative Analyst's Office, dated January 8, 2010, referred by the Speaker to the Committee on Local Government.

**California Safe at Home, Annual Report, 2009
(Pursuant to Government Code Section 6210(a))**

Above transmitted report, together with letter of transmittal from Debra Bowen, Secretary of State, dated January 8, 2010, referred by the Speaker to the Committee on Public Safety.

**Paperless Workflow Project Update, Annual Report, 2009
(Pursuant to Item 0845-001-0217, Budget Act of 2008)**

Above transmitted report, together with letter of transmittal from Jesse Huff, Chief Deputy Insurance Commissioner, Department of Insurance, dated January 8, 2010, referred by the Speaker to the Committee on Insurance.

**Statistical Report
on 805 Reports Received from January, 2009 to December, 2009
(Pursuant to Business and Professions Code Section 806)**

Above transmitted report, together with letter of transmittal from Kim Madsen, Interim Executive Officer, Board of Behavioral Sciences, dated January 12, 2010, referred by the Speaker to the Committee on Business and Professions.

**Trial Court Expenditures, Annual Report, FY 2008–09
(Pursuant to Budget Act of 2008)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated January 12, 2010, referred by the Speaker to the Committee on Budget.

**California Transportation Commission's 2009 Annual Report
(Pursuant to Government Code Sections 14535 and 9795)**

Above transmitted report, together with letter of transmittal from Bimla G. Rinehart, Executive Director, California Transportation Commission, dated January 12, 2010, referred by the Speaker to the Committee on Budget.

**Annual DNA Identification Fund
(Pursuant to Government Code Section 76104.6) from:**

Fresno County, Vicki Crow C.P.A., Auditor-Controller/Treasurer-Tax Collector, dated January 19, 2010;

Los Angeles County, Wendy Watanabe, Auditor-Controller, dated January 19, 2010;

Referred by the Speaker to the Committee on Public Safety.

**Surveys of Local Assessment Procedures
(Pursuant to Government Code Sections 9795 and 15646) from:**

Contra Costa County, Ramon J. Hirsig, Executive Director, dated January 7, 2010;

Mendocino County, Ramon J. Hirsig, Executive Director, dated January 7, 2010;

Riverside County, Ramon J. Hirsig, Executive Director, dated January 7, 2010;

San Benito County, Ramon J. Hirsig, Executive Director, dated January 7, 2010;

San Luis Obispo County, Ramon J. Hirsig, Executive Director, dated January 7, 2010;

Santa Barbara County, Ramon J. Hirsig, Executive Director, dated January 7, 2010;

Siskiyou County, Ramon J. Hirsig, Executive Director, dated January 7, 2010;

Trinity County, Ramon J. Hirsig, Executive Director, dated January 7, 2010.

Referred by the Speaker to the Committee on Local Government.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 20, 2010

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

Assembly Joint Resolution No. 23

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, January 20, 2010

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

Assembly Joint Resolution No. 24

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to third reading file.

Assembly Chamber, January 20, 2010

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

Assembly Concurrent Resolution No. 104

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1664—Swanson. An act to amend Section 22406 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1665—Swanson. An act to amend Section 3543.2 of the Government Code, relating to school employees.

ASSEMBLY BILL NO. 1666—Swanson. An act to amend Section 12945.2 of the Government Code, relating to employment.

ASSEMBLY BILL NO. 1667—Swanson. An act to amend Section 12945.2 of the Government Code, relating to family and medical leave.

ASSEMBLY BILL NO. 1668—Knight. An act to amend Sections 34902, 36512, 57377, and 57379 of the Government Code, relating to local government.

ASSEMBLY BILL NO. 1669—Jeffries. An act to add, repeal, and add Article 4 (commencing with Section 789) of Chapter 2.5 of Division 1 of the Public Resources Code, relating to forestry and fire protection.

ASSEMBLY BILL NO. 1670—Beall. An act to amend Sections 382 and 430 of the Streets and Highways Code, relating to highways.

ASSEMBLY BILL NO. 1671—Jeffries. An act to repeal and add Section 25060 of the Government Code, relating to county government.

ASSEMBLY BILL NO. 1672—Jeffries. An act to amend Section 39511 of, to add Section 39510.5 to, and to amend, repeal, and add Section 39510 of, the Health and Safety Code, relating to the State Air Resources Board.

ASSEMBLY BILL NO. 1673—Mendoza. An act to add Section 52526 to the Education Code, relating to adult education.

ASSEMBLY BILL NO. 1674—Saldaña. An act to amend Sections 25270.2, 25270.6, and 25283.5 of the Health and Safety Code, relating to hazardous substances.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 29—Jeffries. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Sections 3, 8, 10, 11, and 12 of Article IV thereof, by amending, repealing, and adding Section 6 of Article XIX thereof, and by amending, repealing, and adding Section 1 of Article XIXA thereof, relating to legislative sessions.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 30—Jeffries. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 17 of Article II thereof, by amending Section 8 of Article III thereof, by amending Sections 5, 9, 10, and 11 of Article V thereof, by amending Section 4 of Article VII thereof, and by amending Section 9 of Article IX thereof, relating to the Lieutenant Governor.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 31—Jeffries. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IV thereof, relating to the Legislature.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 105—Nava (Coauthors: Ammiano, Brownley, Carter, De León, Fletcher, Gaines, Jones, V. Manuel Pérez, and Audra Strickland). Relative to Perinatal Depression Awareness Month.

AUTHOR'S AMENDMENTS
Committee on Rules

January 20, 2010

Mme. Speaker: The Chair of your Committee on Rules reports:
Senate Bill No. 662

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

LIEU, Chair

SENATE BILL NO. 662—An act relating to domestic violence, making an appropriation therefor.

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 Judiciary

Date of Hearing: January 12, 2010

Mme. Speaker: Your Committee on Judiciary reports:
Assembly Bill No. 781

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 bill be placed on the Consent Calendar.

FEUER, Chair

Above bill ordered to second reading.

CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1263—An act to amend Section 1162 of the Code of Civil Procedure, relating to unlawful detainer.

Bill read second time, and ordered to third reading.

ADJOURNMENT

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

LORI SALDAÑA, Speaker pro Tempore

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 20, 2010**

The following measure was amended in the Assembly on this day:

SB	RN
662	1001146

Daily Total:	1
Cumulative Total:	2569

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