

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 21, 2010

ONE HUNDRED FORTY-FIRST SESSION DAY

FOUR HUNDRED SEVENTEENTH 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 21, 2010

The Assembly met at 9:30 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 Torrico moved a quorum call of the Assembly.
Motion carried. Time, 9:30 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 9:47 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—75:

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

PRAYER

Upon invitation of Assistant Speaker pro Tempore Hall, the following prayer was offered by Assembly Alternate Chaplain Pastor Ivan L. Williams, Sr.:

O God of Glory and Creator of All, Truly our day awaits your guiding hand of transformation.

Paint within us a tapestry of your divine wisdom and discernment.

We know that whatever you paint is beautiful. So paint your wisdom and discernment within these halls so that these representatives can be better servants.

Please guide us today, lead us today, and teach us today.

In thy name we pray!—AMEN!

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Hall, Assembly Member Bradford 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 Hagman.

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 Member Carter.

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 session on Thursday, January 21. 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 Speaker 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:

Accountability and Administrative Review, Tuesday, January 26, 2010, at 9 a.m., in Room 437.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee.

Assembly

<i>Bill No.</i>	<i>Committee</i>
1608 -----	Ins.
1609 -----	Budget
1610 -----	Budget
1611 -----	Budget
1612 -----	Budget
1613 -----	Budget
1614 -----	Budget
1615 -----	Budget
1616 -----	Budget
1617 -----	Budget
1618 -----	Budget
1619 -----	Budget
1620 -----	Budget
1621 -----	Budget
1622 -----	Budget
1623 -----	Budget
1624 -----	Budget
1625 -----	Budget
1626 -----	Budget
1627 -----	Budget
1628 -----	Budget
1629 -----	Budget
1630 -----	Budget
1631 -----	Budget
1632 -----	Budget
1633 -----	Budget
1634 -----	Budget
1635 -----	Budget
1636 -----	Budget
1637 -----	Budget
1638 -----	Budget
1639 -----	Budget
1640 -----	Health
1641 -----	Pub. S.
1643 -----	G.O.
1644 -----	V.A. and Jud.
1646 -----	Ed.

*Senate Concurrent
Resolution No.*

Committee

58 -----Jud.

*Senate Joint
Resolution No.*

Committee

17 -----Nat. Res.

REQUEST FOR PHOTOGRAPHER

Assembly Members Swanson and Skinner were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

RECESS

By unanimous consent, at 9:50 a.m., Assistant Speaker pro Tempore Hall declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Skinner introduced Laura Kakis Serper, Founder and Artistic Director, Sophia Sinsheimer, Choir President, and Dora Bellin and Gavin Williams, members, Berkeley’s Kairos Youth Choir.

Assembly Member Skinner then presented a resolution to the Kairos Youth Choir on the occasion of their 20th Anniversary and in celebration of their rich musical traditions from around the world, including classical, jazz, gospel, world folk, and musical theater.

RECONVENED

At 9:54 a.m., the Assembly reconvened.

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

UNANIMOUS CONSENT GRANTED

Assembly Member Ma was granted unanimous consent to suspend the rules to allow all bills heard today and reported on Friday, January 22, 2010, and Monday, January 25, 2010 with a “Do pass” on a unanimous roll call, “Do pass as amended”, “Do pass to Consent Calendar”, or “Do pass as amended, to Consent Calendar” recommendation from the Committee on Appropriations be ordered to the second or third reading file one legislative day prior to the day required under the Assembly and Joint Rules.

CONSIDERATION OF CONSENT CALENDAR

The Assistant Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Assembly Bill

ASSEMBLY BILL NO. 1374 (Brownley)—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 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 bill on the Consent Calendar passed, by the following vote:

AYES—67

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

NOES—None**SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 781—An act to add Chapter 13 (commencing with Section 3650) to Division 4 of Title 1 of the Government Code, relating to public employment.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be returned to the second reading file.

ADJOURN IN MEMORY

Assembly Member Adams was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of J. Putnam Henck of Lake Arrowhead.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Anderson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Delpha Jean Enniss of Lakeside.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Garrick was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Glen Bell of Rancho Santa Fe.

(Assembly Rule 45.5 suspended.)

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

ASSEMBLY CONCURRENT RESOLUTION NO. 104 (Swanson)—Relative to Martin Luther King, Jr. Day.

Resolution read.

Members Made Coauthors of Assembly Concurrent Resolution No. 104

Assembly Member Swanson was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 104.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Swanson was granted unanimous consent to take up Assembly Concurrent Resolution No. 104, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 104, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 104—Relative to Martin Luther King, Jr. Day.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

At 10:23 a.m., Acting Speaker Sandré Swanson, 16th District, presiding

RECESS IN HONOR OF DR. MARTIN LUTHER KING, JR.

By unanimous consent, at 10:24 a.m., Acting Speaker Swanson, Chair of the California Legislative Black Caucus, declared the Assembly recessed to permit the introduction of special guests in recognition of Dr. Martin Luther King, Jr. Day.

Acting Speaker Swanson introduced the Young Adult Choir of the Sacramento Metropolitan Chapter of the Gospel Music Workshop of America, Inc., whereupon they performed for the assemblage.

Acting Speaker Swanson introduced his wife, Anita Swanson and invited Speaker-elect John A. Pérez and Assembly Member Garrick to the front of the Assembly Chamber to receive the California Legislative Black Caucus honorees as introduced by Assembly Member Bradford.

The following honorees were introduced and escorted to the front of the Assembly Chamber, whereupon they were greeted by Assembly Member Swanson, Chair of the California Legislative Black Caucus, Speaker-elect John A. Pérez, and Assembly Member Garrick and presented with a Members' resolution:

Dr. William Lee, founder of *The Sacramento Observer* and Chair of the Dr. Martin Luther King Commission, escorted by Assembly Members Hall and Fong;

Sherry Hirota, Chief Executive Officer of Asian Health Services in Oakland, escorted by Assembly Members Ma and Silva;

Dolores Huerta, President of the Dolores Huerta Foundation, escorted by Assembly Members Arambula and Adams; and

Dr. J. Alfred Smith, Sr., nationally recognized theologian, escorted by Assembly Members Davis and Yamada.

RECONVENED

At 10:42 a.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:

Thursday, January 21, 2010, 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.

Monday, January 25, 2010, Floor Session, 12 noon.

Last day to notice intent to remove a bill from the Inactive File for purposes of amending the bill by the January 27 amendment deadline.

Tuesday, January 26, 2010, Check-in Session, 7 a.m.

Last day in the Assembly to submit amendments to the Desk if an author wishes to amend by the January 27 amendment deadline. Amendments must be submitted to the Desk by 5 p.m. or the time of adjournment, whichever is later.

Wednesday, January 27, 2010, Floor Session, 9:30 a.m.

Last day to amend measures on Assembly Floor, prior to January 31 deadline. Last day to notice intent to remove a bill from the Inactive File to be returned to Third Reading on January 29.

Thursday, January 28, 2010, Floor Session, 9:30 a.m.

Friday, January 29, 2010, Floor Session upon Call of the Speaker.

Sunday, January 31, 2010.

Last day for each House to pass bills introduced in that House in 2009. This deadline applies to urgency and tax levy bills and cannot be dispensed with or waived. This deadline does not apply to Resolutions or Constitutional Amendments.

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 the next legislative day.

ADJOURN IN MEMORY

Assembly Member Brownley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Daniel Cooper of Santa Monica.

VOTE ADDS

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

Consent Calendar: Adams, Tom Berryhill, De La Torre, De León, Fletcher, Gaines, Hernandez, Huffman, Jeffries, Jones, Lieu, Logue, Nava, Skinner, Tran, and Villines—Aye.

Assembly Concurrent Resolution No. 104, Coauthors: Blumenfield, Fuller, Harkey, Jeffries, and Lieu—Aye.

MOTION TO ADJOURN

At 10:46 a.m., Assembly Member Torrico moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:46 a.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. 1675—Hagman. An act to add Section 602.13 to the Penal Code, relating to trespassing.

ASSEMBLY BILL NO. 1676—Fuentes. An act to add Section 1065 to the Government Code, relating to elected officials, and declaring the urgency thereof, to take effect immediately.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 29—Feuer. Relative to domestic partners tax equity.

**AUTHOR'S AMENDMENTS
Committee on Education**

January 21, 2010

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

Assembly Bill No. 1646

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

BROWNLEY, Chair

ASSEMBLY BILL NO. 1646—An act relating to high school athletics.

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 Rules**

January 21, 2010

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

Assembly Concurrent Resolution No. 31

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

LIEU, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 31—Relative to the California Community Colleges.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

REPORTS OF STANDING COMMITTEES
Committee on Appropriations

Date of Hearing: January 21, 2010

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 25	Assembly Bill No. 1229
Assembly Bill No. 113	Assembly Bill No. 1414
Assembly Bill No. 223	Assembly Bill No. 1431
Assembly Bill No. 1097	Assembly Bill No. 1433
Assembly Bill No. 1204	Assembly Bill No. 1502
Assembly Bill No. 1224	Assembly Bill No. 1524

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

DE LEÓN, Chair

Above bills ordered to second reading.

Date of Hearing: January 21, 2010

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 35	Assembly Bill No. 584
Assembly Bill No. 127	Assembly Bill No. 633
Assembly Bill No. 177	Assembly Bill No. 658
Assembly Bill No. 220	Assembly Bill No. 984
Assembly Bill No. 317	Assembly Bill No. 1054
Assembly Bill No. 384	Assembly Bill No. 1199
Assembly Bill No. 408	Assembly Bill No. 1375
Assembly Bill No. 424	Assembly Bill No. 1378
Assembly Bill No. 558	

With the recommendation: Do pass.

DE LEÓN, Chair

Above bills ordered to second reading.

Date of Hearing: January 21, 2010

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1391	Assembly Bill No. 1504
Assembly Bill No. 1436	Assembly Bill No. 1533

With the recommendation: Do pass.

DE LEÓN, Chair

Above bills ordered to second reading.

Date of Hearing: January 21, 2010

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1178	Assembly Bill No. 1239
Assembly Bill No. 1223	Assembly Bill No. 1518
Assembly Bill No. 1225	

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

DE LEÓN, Chair

Above bills ordered to second reading.

Date of Hearing: January 21, 2010

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 41	Assembly Bill No. 656
Assembly Bill No. 391	Assembly Bill No. 953
Assembly Bill No. 498	Assembly Bill No. 963
Assembly Bill No. 537	Assembly Bill No. 973
Assembly Bill No. 549	Assembly Bill No. 977
Assembly Bill No. 551	Assembly Bill No. 1088

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

DE LEÓN, Chair

Above bills ordered to second reading.

Date of Hearing: January 21, 2010

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 674

Assembly Bill No. 1155

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 bills be placed on the Consent Calendar.

DE LEÓN, Chair

Above bills ordered to second reading.

Date of Hearing: January 21, 2010

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 12

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

DE LEÓN, Chair

Above bill ordered to second reading.

Date of Hearing: January 21, 2010

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 205

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

DE LEÓN, Chair

Above bill ordered to second reading.

INTRODUCTION OF GUESTS

Assembly Member Hill, of the 19th Assembly District, introduced Our Lady of Angels School, Burlingame.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Torrico the Assembly adjourned until 12 noon, Monday, January 25, 2010, out of respect to the memory of J. Putnam Henck, on motion of Assembly Member Adams; out of respect to the memory of Delpha Jean Ennis, on motion of Assembly Member Anderson; out of respect to the memory of Glen Bell, on motion of Assembly Member Garrick; and out of respect to the memory of Daniel Cooper, on motion of Assembly Member Brownley.

LORI SALDAÑA, Speaker pro Tempore

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 21, 2010**

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

AB RN

781 1001739

1646 1001010

ACR RN

31 1001551

Daily Total: 3

Cumulative Total: 2572

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