

CALIFORNIA LEGISLATURE  
2009–10 REGULAR SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Thursday, January 28, 2010**

**ONE HUNDRED FORTY-FIFTH SESSION DAY**

**FOUR HUNDRED TWENTY-FOURTH 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 28, 2010

The Assembly met at 9:30 a.m.

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 Emmerson moved a quorum call of the Assembly.

Motion carried. Time, 9:30 a.m.

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

#### Quorum Present

At 9:51 a.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—73:

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

**PRAYER**

Upon invitation of Speaker-elect John A. Pérez, the following prayer was offered by Assembly Alternate Chaplain Pastor Ivan L. Williams, Sr.:

*Eternal Father in Heaven,* On this day we recognize your supreme will for each of our lives. We know that you desire to give us hope and a future. And so we ask for your power to help us to live within your will today, for so often we go astray in our own desires.

Give us all in these halls an unselfish spirit, a gracious spirit, and a spirit of servanthood, for so often we see inhumanity towards others.

And so we ask you, bless the families in Haiti with a great sense of your very presence. Comfort those who lost loved ones, even entire families. And give to that country what may seem impossible. For nothing is too hard for you.

May we ever remember.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker-elect John A. Pérez, Assembly Member Nestande 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 Nestande.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Speaker Bass.*

*Because of illness: Assembly Members Carter, Hall, and V. Manuel Pérez.*

*Because of illness in her family: Assembly Member Huber.*

**EXPLANATIONS OF ABSENCE**

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

January 28, 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 on Thursday, January 28, 2010 due to legislative business.

Sincerely,

**KAREN BASS**  
Speaker of the Assembly

**COMMUNICATIONS**

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

January 28, 2010

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

Dear Dotson: Please be advised that I have made changes to the following committees for the 2009–10 Regular Session:

*Governmental Organization*

I have appointed Assemblymember Sam Blakeslee to replace Assemblymember Martin Garrick on the Assembly Governmental Organization Committee.

*Insurance*

I have appointed Assemblymember Sam Blakeslee to replace Assemblymember Martin Garrick as Vice Chair on the Assembly Insurance Committee.

Sincerely,

KAREN BASS  
Speaker of the Assembly

**REPORTS**

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2009-032  
January 28, 2010

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As required by Chapter 804, Statutes of 2002, the California State Auditor presents its audit report evaluating the accuracy of 2007 crime statistics compiled and reported by a sample of California postsecondary educational institutions (institutions). The report also describes the results of our examination of these institutions' issuance of annual security reports, notifications of the reports' availability, and disclosures of campus security policies required under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

This report concludes that the institutions we reviewed did not always comply with the Clery Act's requirements. Of the six institutions we visited, one did not issue an annual security report, three did not properly notify students and staff of the availability of their security policies or crime statistics, and four did not disclose all required security policies. Further, the six institutions disclosed inaccurate crime statistics to varying degrees for 2007. We identified similar concerns among the 10 other institutions we surveyed. Failure to comply with the Clery Act

may result in financial penalties of up to \$27,500 per violation. Also, the U.S. Department of Education (Education) has stated that choosing an institution is a major decision for students and their families, and that along with academic, financial, and geographic considerations, the issue of campus safety is a vital concern. Education also believes that compliance with the Clery Act provides students and their families with information necessary to make informed decisions. Several reasons contributed to institutions' lack of compliance with the Clery Act. These reasons included an inadequate understanding of the Clery Act's requirements, the use of incorrect geographic areas or incorrect definitions of crimes when compiling statistics, failing to request crime statistics from local law enforcement agencies, and not using guidance available from Education.

Respectfully submitted,

ELAINE M. HOWLE, CPA  
State Auditor

Above report referred to the Committee on Higher Education.

#### REPORTS

The following reports were presented by the Chief Clerk:

**Achievements in Conservation  
Recycling and Ground Water Recharge  
Annual Report, 2009  
(Pursuant to Chapter 415, Statutes of 1999)**

Above transmitted report, together with letter of transmittal from Kathleen Cole, Legislative Representative, Metropolitan Water District of Southern California, dated January 25, 2010, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Use of Waste Tires, FY 2008–09  
(Pursuant to Public Resources Code Section 42889.3)**

Above transmitted report, together with letter of transmittal from Randell Iwasaki, Director, Department of Transportation, dated January 26, 2010, referred by the Speaker to the Committee on Transportation.

**Development of Nonmotorized Transportation Facilities  
FY 2008–09  
(Pursuant to Streets and Highway Code Section 887.4)**

Above transmitted report, together with letter of transmittal from Randell Iwasaki, Director, Department of Transportation, dated January 26, 2010, referred by the Speaker to the Committee on Transportation.

**Non-Toll Seismic Retrofit Program, Quarterly Report  
Third Quarter 2009  
(Pursuant to Chapter 71, Statutes of 2005)**

Above transmitted report, together with letter of transmittal from Randell Iwasaki, Director, Department of Transportation, dated January 26, 2010, referred by the Speaker to the Committee on Transportation.

#### REQUEST FOR PHOTOGRAPHER

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

**BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 87**, on request of Assembly Member Ma.

**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. 1590**, ordered to third reading.

**THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 450 (Lowenthal)**—An act to add and repeal Section 40440.13 of the Health and Safety Code, relating to the South Coast Air Quality Management District.

Bill read third time.

**Motion to Amend by Assembly Member Lowenthal**

Assembly Member Lowenthal moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted.

**Re-reference to Committee Pursuant to Assembly Rule 77.2**

Pursuant to Assembly Rule 77.2, Speaker-elect John A. Pérez re-referred Senate Bill No. 450 to the Committees on Education and Appropriations.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 1178**

In compliance with a motion given on a previous day, Assembly Member Block moved that the vote be reconsidered whereby Assembly Bill No. 1178 was refused passage.

Assembly Bill No. 1178 reconsidered by the following vote:

**AYES—44**

Ammiano	Davis	Hernandez	Portantino
Arambula	De La Torre	Hill	Ruskin
Beall	De León	Huffman	Salas
Block	Eng	Jones	Saldaña
Blumenfield	Evans	Lieu	Skinner
Bradford	Feuer	Lowenthal	Solorio
Brownley	Fong	Ma	Swanson
Buchanan	Fuentes	Mendoza	Torlakson
Caballero	Furutani	Monning	Torres
Calderon	Galgiani	Nava	Torrico
Chesbro	Hayashi	Pérez, J.	Yamada

**NOES—24**

Anderson	Emmerson	Jeffries	Nielsen
Berryhill, B.	Fuller	Knight	Silva
Berryhill, T.	Gaines	Logue	Smyth
Conway	Gilmore	Miller	Strickland
Cook	Hagman	Nestande	Tran
DeVore	Harkey	Niello	Villines

**THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1178 (Block)**—An act to amend, repeal, and add Section 25110 of, and to add Section 6361.7 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Block moved a call of the Assembly.

Motion carried. Time, 10:35 a.m.

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

**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. 674 (Salas)**—An act to amend Section 1170.9 of the Penal Code, relating to criminal procedure.

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. 1155 (Strickland)**—An act to amend Section 21107.8 of the Vehicle Code, relating to vehicles.

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—73**

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

**NOES—None**

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
ASSEMBLY BILL NO. 1178**

At 10:41 a.m., on motion of Assembly Member Block, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 1178 passed by the following vote:

**AYES—42**

Ammiano	De La Torre	Huffman	Salas
Arambula	De León	Jones	Saldaña
Block	Eng	Lieu	Skinner
Blumenfield	Evans	Lowenthal	Solorio
Bradford	Feuer	Ma	Swanson
Brownley	Fong	Mendoza	Torlakson
Caballero	Fuentes	Monning	Torres
Calderon	Furutani	Nava	Torrico
Chesbro	Hayashi	Pérez, J.	Yamada
Coto	Hernandez	Portantino	
Davis	Hill	Ruskin	

**NOES—28**

Adams	Cook	Hagman	Niello
Anderson	DeVore	Harkey	Nielsen
Beall	Emmerson	Jeffries	Silva
Berryhill, B.	Fuller	Knight	Smyth
Berryhill, T.	Gaines	Logue	Strickland
Buchanan	Garrick	Miller	Tran
Conway	Gilmore	Nestande	Villines

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS (RESUMED)**

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 964 LAPSED**

The motion to reconsider the vote on Assembly Bill No. 964 lapsed.

**ANNOUNCEMENTS**

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

Friday, January 29, 2010, No Session;

Monday, February 1, 2010, Floor Session, 11 a.m.

**ADJOURN IN MEMORY**

Assembly Member Villines was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Palmina “Pauline” Bonadelle of Fresno.

(Assembly Rule 45.5 suspended.)

**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. 1178:** Evans and Hayashi—Aye; Anderson, Tom Berryhill, Logue, Miller, Strickland, and Tran—No.

**Consent Calendar:** Blakeslee, Caballero, Galgiani, and Ruskin—Aye.

**Assembly Bill No. 1178:** Hill—Aye.



**MOTION TO ADJOURN**

At 10:52 a.m., Assembly Member Ma moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 10:53 a.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. 1693—Ma.** An act to amend Sections 18929.1, 18934.8, and 18942 of the Health and Safety Code, relating to building standards.

**ASSEMBLY BILL NO. 1694—Beall.** An act to add Division 10.56 (commencing with Section 11972.10) to the Health and Safety Code, relating to alcohol abuse programs, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1695—Beall.** An act to amend Section 831.5 of the Penal Code, relating to custodial officers.

**ASSEMBLY BILL NO. 1696—Bill Berryhill.** An act to amend Section 4703.5 of the Labor Code, relating to workers' compensation.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 28, 2010

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

Assembly Bill No. 122

And reports the same correctly enrolled, and presented to the Governor on the 28th day of January, 2010, at 11:50 a.m.

E. DOTSON WILSON, Chief Clerk

**MESSAGES FROM THE SENATE**

Senate Chamber, January 28, 2010

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

Senate Bill No. 21  
Senate Bill No. 26  
Senate Bill No. 56  
Senate Bill No. 110  
Senate Bill No. 194  
Senate Bill No. 228  
Senate Bill No. 316  
Senate Bill No. 330  
Senate Bill No. 376  
Senate Bill No. 390  
Senate Bill No. 408  
Senate Bill No. 409  
Senate Bill No. 442

Senate Bill No. 503  
Senate Bill No. 518  
Senate Bill No. 650  
Senate Bill No. 654  
Senate Bill No. 657  
Senate Bill No. 675  
Senate Bill No. 700  
Senate Bill No. 733  
Senate Bill No. 771  
Senate Bill No. 798  
Senate Bill No. 808  
Senate Bill No. 810  
Senate Bill No. 812

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

Senate Chamber, January 28, 2010

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

Senate Concurrent Resolution No. 64

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

**FIRST READING OF SENATE BILLS**

The following bills were read the first time:

**SENATE BILL NO. 21**—An act to add Section 5523 to the Fish and Game Code, relating to fishing.

**SENATE BILL NO. 26**—An act to amend Section 48652 of the Public Resources Code, relating to recycling.

**SENATE BILL NO. 56**—An act to add Article 2.82 (commencing with Section 14087.98) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to health plans.

**SENATE BILL NO. 110**—An act to amend Sections 11163.6, 11174.5, 11174.7, 13519.64, 13823.16, 13836, 13836.1, and 14213 of, to amend the heading of Article 2.7 (commencing with Section 11174.4) of Chapter 2 of Title 1 of Part 4 of, to add Section 13519.65 to, and to add a heading as Chapter 13 (commencing with Section 368) to Title 9 of Part 1 of, the Penal Code, and to amend Sections 4427, 4427.5, and 15763 of the Welfare and Institutions Code, relating to people with disabilities.

**SENATE BILL NO. 194**—An act to add Section 50834.5 to the Health and Safety Code, relating to community development.

**SENATE BILL NO. 228**—An act to add Sections 40116.5 and 42357.5 to the Public Resources Code, relating to plastic bags.

**SENATE BILL NO. 316**—An act to amend Section 1363 of the Health and Safety Code, and to amend Section 10607 of the Insurance Code, relating to health care coverage.

**SENATE BILL NO. 330**—An act to amend Sections 72670, 72670.5, and 89901 of, and to add Section 92034 to, the Education Code, and to amend Section 6252 of, and to add Section 6254.30 to, the Government Code, relating to public records.

**SENATE BILL NO. 376**—An act to add Section 21090.2 to, and to add Chapter 3.5 (commencing with Section 25250) to Division 15 of, the Public Resources Code, relating to energy.

**SENATE BILL NO. 390**—An act to amend Sections 42023.1, 42023.2, 42023.3, 42023.5, and 42023.6 of, to amend, add, and repeal Section 42023.4 of, and to add Section 40118 to, the Public Resources Code, relating to solid waste, and making an appropriation therefor.

**SENATE BILL NO. 408**—An act to amend Section 12370 of the Penal Code, relating to body armor, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 409**—An act to amend Section 13975 of, and to add Chapter 2 (commencing with Section 13985) to Part 4.5 of Division 3 of Title 2 of, the Government Code, and to amend Section 185020 of, and to add Section 185025 to, the Public Utilities Code, relating to transportation.

**SENATE BILL NO. 442**—An act to amend Sections 1200, 1213, 1214, 1216, 1229, 1245, and 1266 of, and to add Section 1212.5 to, the Health and Safety Code, relating to clinics.

**SENATE BILL NO. 503**—An act to add Section 16794 to the Government Code, relating to general obligation bonds.

**SENATE BILL NO. 518**—An act to add Section 2117.5 to the Streets and Highways Code, and to amend Section 22508 of, and to add Division 19 (commencing with Section 43000) to, the Vehicle Code, relating to vehicles.

**SENATE BILL NO. 650**—An act to amend Sections 8547.10 and 8547.12 of the Government Code, relating to improper governmental activities.

**SENATE BILL NO. 654**—An act to add Section 10609.45 to the Welfare and Institutions Code, relating to human services.

**SENATE BILL NO. 657**—An act to add Section 1714.43 to the Civil Code, relating to human trafficking.

**SENATE BILL NO. 675**—An act to add Part 70 (commencing with Section 102000) to Division 14 of Title 3 of the Education Code, relating to energy job training.

**SENATE BILL NO. 700**—An act to amend Sections 800, 803.1, 805, 805.1, 805.5, and 2027 of, and to add Sections 805.01 and 821.4 to, the Business and Professions Code, relating to healing arts.

**SENATE BILL NO. 733**—An act to add Section 13963.1 to the Government Code, relating to grants for trauma centers, and making an appropriation therefor.

**SENATE BILL NO. 771**—An act to amend Section 14005.25 of the Welfare and Institutions Code, relating to Medi-Cal.

**SENATE BILL NO. 798**—An act to amend Section 8484.8 of the Education Code, relating to before and after school programs.

**SENATE BILL NO. 808**—An act to amend Sections 12986 and 12987.5 of the Water Code, relating to water projects, and declaring the urgency thereof, to take effect immediately.

**SENATE BILL NO. 810**—An act to add Division 114 (commencing with Section 140000) to the Health and Safety Code, relating to health care coverage.

**SENATE BILL NO. 812**—An act to amend Section 65583 of the Government Code, relating to housing.

The following resolution was read:

**SENATE CONCURRENT RESOLUTION NO. 64**—Relative to American Heart Month and Wear Red Day.

#### **INTRODUCTION OF GUESTS**

Assembly Member Anderson, of the 77th Assembly District, introduced Jeff Kover, former Cajon Valley School District Trustee.

#### **ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Ma, the Assembly adjourned until 11 a.m., Monday, February 1, 2010, out of respect to the memory of Palmina “Pauline” Bonadelle, on motion of Assembly Member Villines.

---

LORI SALDAÑA, Speaker pro Tempore

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 28, 2010**

---

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

<b>SB</b>	<b>RN</b>	
450	1005380	
<b>Daily Total:</b>		<b>1</b>
<b>Cumulative Total:</b>		<b>2604</b>

O