

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 29, 2009
NINETEENTH SESSION DAY
SIXTIETH 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to
Sue Parker, Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 29, 2009

The Assembly met at 9:30 a.m.
Hon. Lori Saldaña, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Elizabeth Potter reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Ammiano moved a quorum call of the Assembly.
Motion carried.
The 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., Speaker pro Tempore Saldaña declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—79:

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

PRAYER

Upon invitation of Speaker pro Tempore Saldaña, the following prayer was offered by Assembly Chaplain Father Constantine C. Pappademos:

Lord, The Prophet Isaiah said: “Even youths grow tired and weary, and young men stumble and fall; but those who hope in the Lord will renew their strength. They will soar on wings like eagles; they will run and not grow weary, they will walk and not be faint” (Isaiah 40:30–31, NIV).

Lord, all of us have times when we feel tired and overwhelmed by the pressures of life. Help us to put our hope in You, for You renew our strength and give us the power to overcome our challenges.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Saldaña, Assembly Member Gaines 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 Member was granted leave of absence for the day:

On legislative business: Assembly Member Mendoza.

EXPLANATIONS OF ABSENCE

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

January 22, 2009

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

Dear Mme. Speaker,

I am respectfully requesting permission to be excused from Assembly Check-In/Session on Thursday, January 29, 2009, due to legislative business in my district. I will return to Sacramento on Monday, February 2, 2009 in time for Assembly Floor Session.

I want to thank you in advance for your consideration of this request and if you should have any questions I can be reached at 319-2056.

Sincerely,

TONY MENDOZA, Assembly Member
Fifty-sixth District

COMMUNICATIONS

The following communications were presented by the Chief Clerk, and ordered printed in the Journal:

January 29, 2009

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

Dear Mr. Wilson: Please be advised that the Assembly Rules Committee met on January 29, 2009, and approved the following:

- Appointment of Jon Waldie as Chief Administrative Officer for the 2009–10 Legislative Session (11–0)
- Assembly Standing Committee Jurisdictions (11–0)

Please ensure that these actions are printed in the Assembly Journal.

Sincerely,

TED W. LIEU
Chair

**ASSEMBLY
STANDING COMMITTEE JURISDICTIONS**

Accountability and Administrative Review
Aging and Long Term Care
Agriculture
Appropriations
Arts, Entertainment, Sports, Tourism and Internet Media
Banking and Finance
Budget
Business and Professions
Education
Elections and Redistricting
Environmental Safety and Toxic Materials
Governmental Organization
Health
Higher Education
Housing and Community Development
Human Services
Insurance
Jobs, Economic Development and the Economy
Judiciary
Labor and Employment
Local Government
Natural Resources
Public Employees, Retirement and Social Security
Public Safety
Revenue and Taxation
Rules
Transportation
Utilities and Commerce
Veterans Affairs
Water, Parks and Wildlife

Accountability and Administrative Review
Oversight

Aging and Long Term Care

Area Agencies on Aging
Department of Aging
Long term care services
Older Americans Act
Older Californians Act
Senior citizens advocacy activities
Senior Legislature
Services for seniors in residential and day settings
State Commission on Aging

Agriculture

Agriculture
Agricultural chemicals
Agricultural commodities and commissions
Department of Food and Agriculture
Department of Pesticide Regulation
Economic poisons
Expositions and fairs
Food labeling
Labeling of agricultural commodities
Livestock and poultry
Marketing law
Milk and milk products
Pest management and pesticides
Veterinarians, agricultural issues

Appropriations

Deficiency bills
Fiscal bills
General obligation bond acts
Judgment and settlement bills
Revenue bonds
State mandated claims bills

Arts, Entertainment, Sports, Tourism, and Internet Media

Arts
Athletics, State Athletic Commission
Entertainment
Internet Media
Motion picture industry
Museums
Tourism

Banking and Finance

California Pollution Control Financing Authority
Charitable and cooperative corporation law
Consumer finance and credit reporting
Corporate securities law
Financial institutions
Foreign banking

- Foreign investments in California financial institutions
- Formation of new corporate entities
- Franchises, except for arbitration of disputes between franchisor/franchisee
- Industrial development bonds
- Insurance finance and lending practices
- Real property finance
- State investment practices

Budget

- Budget bill
- Current fiscal year appropriations for new projects
- Budget trailer bills which are not referred to a policy committee
- Bills which establish state budget policy and procedures

Business and Professions

- Administrative Procedure Act and Office of Administrative Law
- Charitable solicitation
- Consumer protection
- Creation of new regulatory agencies
- Department of General Services
- Governmental efficiency and cost control
- Licensing of health care professionals
- Occupational licensing
- Product labeling, except agricultural and medical
- Property acquisition, state and local
- Property acquisition law
- State governmental organization and reorganization
- State printing and binding contracts
- State procurement
- Sunsetting of boards and commissions
- Weights and measures
- Vocational education
- Veterinarians, licensing issues

Education

- Adult education
- Certificated employees of schools and teacher salaries
- Charter schools
- Leasing of school property
- K-12 education
- Pupil records
- School buses and crossing guards
- School facilities and finance

Elections and Redistricting

- California Political Reform Act
- Campaign finance
- Elections
- Redistricting

Environmental Safety and Toxic Materials

- Department of Pesticide Regulation
- Drinking water regulation, toxic contamination of water
- Emergency response relating to hazardous materials

- Hazardous waste regulation and remediation
- Pesticides: processed food and public health
- Proposition 65
- Regulation of consumer products containing toxic substances under the Sherman Food, Drug and Cosmetics Law
- Toxic air contaminants and indoor air quality
- Toxic substances and hazardous materials, except for workplace safety
- Underground storage tank regulation and cleanup

Governmental Organization

- Alcoholic Beverage Control
- Emergency services, excluding medical emergencies
- Fire safety, excluding residential building standards
- Gaming
- Horse racing
- Natural disasters
- Offices of the Governor, Lieutenant Governor, State Controller, and State Treasurer
- Open meetings laws as they affect state government
- Public records and Public Records Act
- State Fire Marshal
- State holidays, seals, and official acts
- State Lottery
- Tobacco products

Health

- Alcohol and drug abuse treatment
- Developmental disabilities
- Health care
- Licensing of health care facilities
- Mental health, except mentally disordered offenders
- Prescriptions
- Public health programs

Higher Education

- Academic research partnerships with the private sector
- Community college job training programs
- Postsecondary education, financial aid and campuses

Housing and Community Development

- Condominium conversions
- Discrimination in housing
- Housing rehabilitation
- Mobile homes
- Public finance of housing
- Redevelopment
- Rent control
- Residential building standards
- Structural fire safety
- Subdivision Map Act re: housing

Human Services

- Children's programs and services
- Foster care

Licensing and regulation of community & child care facilities
Public assistance (General Assistance, CalWORKs, and SSI/SSP)
Services for developmentally disabled Californians
Services for physically disabled Californians
Department of Social Services programs

Insurance

Disability insurance
Insurance
Insurance investment, excluding finance, lending
and lending practices
Unemployment compensation
Vehicle financial responsibility
Workers' compensation

Jobs, Economic Development and the Economy

Business advocacy within California and the United States
Business advocacy of import/export trade
California-Mexico relations
California overseas trade offices
Department of Information Technology
Development and expansion of new technologies, except energy
Development of international high tech markets
Economic disaster relief
Economic impact reports
Effect of balance of trade issues on California
Enterprise Zones
Expansion of overseas markets
Foreign investments by California
Foreign investments in California
Impacts of federal budget on high tech projects
Impacts of federal budget on international trade
Information technology
Industrial innovation and research
International capital, including capital formation
International trade, research and import/export finance
Interstate commerce
Seaports and physical infrastructure
Sister state agreements and friendship agreements with other nations
Small business development and operations
State and local economic development
Women and minority business enterprises (WBME)

Judiciary

Administration of justice and court personnel
Administrative procedure
Adoptions
Arbitration of disputes between franchisor/franchisee
Civil Code
Code of Civil Procedure
Condemnation
Confidentiality of court records
Eminent Domain
Enforcement of judgements

Evidence Code, excluding criminal procedure
Family law
Landlord/tenant relations
Legal notices
Liens
Notary Public
Probate Code
Product liability
Property acquisition (private property acquired by state agency)
Public administration of estates
State Bar
Trade restraints
Tort liability

Labor and Employment

Agricultural Labor Relations Act
Discrimination in employment
Employment Development Department
Unemployment insurance—length of coverage
Workplace safety regulations and Cal-OSHA

Local Government

Administration of special districts
Benefit assessments, special taxes and local alternative
revenue sources
City and county organization and powers
Joint exercise of powers
Local agency formation commissions
Municipal Improvement Acts of 1911, 1913, etc.
Ralph M. Brown Act
Subdivisions
Uniform accounting and reporting procedures for local agencies

Natural Resources

Beverage Container Recycling Act
California Environmental Quality Act
Coastal Act, Coastal Commission and Coastal Conservancy
Coachella Valley Mountains Conservancy
Department of Conservation programs
Energy conservation, research, development, and demonstration
and siting of power plants
Forestry
Harbors
Lake Tahoe Conservancy
Solid waste management, except hazardous substances
Stationary source air pollution
Natural Community Conservation Planning Act (land use planning)
Oil Spill Prevention and Response Act
San Francisco Bay Conservation and Development Commission
Santa Monica Mountains Conservancy
State lands
Subdivision Map Act re: timber, coastal, agricultural land use
Tidelands and submerged lands

Vessel traffic management systems (VTMS)
Wild and scenic rivers

Public Employees, Retirement & Social Security

Classified school employees
Judges Retirement Law
Public employee collective bargaining
Public retirement administration and investment strategy

Public Safety

Asset forfeiture
Controlled substances
Crime victims and restitution
Criminal procedure
Driving under the influence
Felony offenses and those misdemeanor violations
 not incidental to the subject of another committee
Grand juries
Impoundment of vehicles
Inspection of stolen vehicles
Juvenile law
Peace officers
Penal Code
Qualifications of counsel in criminal matters
Youth authority and prisons—construction and discipline

Revenue and Taxation

All matters relating to taxation

Rules

Business of the Legislature

Transportation

California Highway Patrol
Drivers' licenses
Highways and airports
Mass transit systems
Mobile sources of air pollution
School bus safety and maintenance
Seaports and physical infrastructure
Transit authority
Transportation financing
Vehicles, aircraft, and vessels—operation, safety, equipment,
 transfer of ownership, licensing and registration
Vehicle weight restrictions

Utilities and Commerce

Common carriers
Energy conservation, research, development,
 and demonstration and siting of power plants
Expansion of overseas markets
Intrastate commerce
Public Utilities Commission, rate increases regulated by the PUC

Telecommunications
Trucking regulated by the PUC

Veterans Affairs

Cal-Vet loan program
Department of Veterans Affairs
National Guard
State military
Veterans

Water, Parks and Wildlife

Department of Water Resources
Drought relief
Fish and game
Flood control
Native plants
Natural Community Conservation Planning Act
Parks and recreation
State Historical Resources Commission
State Water Resources Control Board
Stream resource management
Water and water supply planning
Water rights and water banks
Wildlife

REQUEST FOR PHOTOGRAPHER

Assembly Member Torrico was granted unanimous consent that photographers and guests be permitted on the Floor of the Assembly.

RECESS

By unanimous consent, at 9:49 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Jones introduced Grant High School Pacers' coaches, Mike Alberghini and Reginald Harris, and congratulated the Grant High School Pacers Football Team for winning the 2008 California Interscholastic Federation State High School Football Open Division Championship.

RECONVENED

At 9:52 a.m., the Assembly reconvened.
Hon. Lori Saldaña, Speaker pro Tempore of the Assembly, presiding.

ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced the following session schedule:

Monday, February 2, 2009, Floor Session, 12 noon.

ADJOURN IN MEMORY

Assembly Member Torrico, on behalf of Speaker Bass, and Assembly Member Niello were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jerry Euclid Walker of Sacramento, beloved husband of 50 years to Patricia Walker and cherished father to Assistant Chief Clerk of the Assembly, Sue Parker. In addition to his service to our country in the United States Air Force during the Korean War, Mr. Walker served his community as a Vice Chancellor in the Los Rios Community College District and as a Counselor at American River College.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Huffman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory ofCarolynn Heilig of Larkspur.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Krekorian and De León were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ghazaros Kademian of Glendale.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Miller was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Private Grant A. Cotting of Corona.

(Assembly Rule 45.5 suspended.)

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 Charles W. Fox of Agoura Hills.

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 Ken Schonlau of Santa Monica.

Assembly Member Portantino was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Istiharoh Glasgow of Eagle Rock.

Assembly Member Jeffries was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Christopher Wainwright of Temecula.

Assembly Member Portantino was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kathleen Geoghegan of La Canada.

Assembly Member Price was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William "Bill" L. Handy, Sr., of Compton.

ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced that Friday, January 30 is the last day to submit bill requests to the Office of Legislative Counsel.

SPECIAL RECOGNITION

The Members of the Assembly joined in extending best wishes to Assembly Members Arambula and Portantino on the occasion of their birthdays.

CAUCUS ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced that the Democratic Caucus would meet, upon adjournment of Floor session, in the Assembly Lounge.

MOTION TO ADJOURN

At 10:07 a.m., Assembly Member Evans moved that the Assembly do now adjourn.

Assembly Member Blakeslee seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:08 a.m., Speaker pro Tempore Saldaña 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. 169—Portantino. An act to amend Section 121060 of the Health and Safety Code, relating to communicable disease.

ASSEMBLY BILL NO. 170—Mendoza. An act to amend, repeal, and add Section 273 of the Code of Civil Procedure, relating to court reporters.

ASSEMBLY BILL NO. 171—Jones. An act to add Section 654.3 to the Business and Professions Code, relating to dental services.

ASSEMBLY BILL NO. 172—Smyth. An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 173—Price. An act relating to education.

ASSEMBLY BILL NO. 174—Carter. An act to amend Sections 35706, 35707, 35710, and 35711 of, and to add Sections 35520.5 and 35710.3 to, the Education Code, relating to school district reorganization.

ASSEMBLY BILL NO. 175—Galgiani (Coauthors: Tom Berryhill and Fuller). An act to amend Section 14132.725 of the Welfare and Institutions Code, relating to telemedicine.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 15—Furutani. Relative to the John Sanford Todd Memorial Highway.

HOUSE RESOLUTION NO. 6—Garrick, Audra Strickland, and DeVore (Coauthor: Smyth). Relative to Ronald Reagan Day.

MESSAGES FROM THE SENATE

Senate Chamber, January 29, 2009

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

Senate Concurrent Resolution No. 7

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 7—Relative to kidney cancer.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Evans, the Assembly adjourned until 12 noon, Monday, February 2, 2009, out of respect to the memory of Jerry Euclid Walker, on motion of Assembly Member Torrico on behalf of Speaker Bass and on motion of Assembly Member Niello; out of respect to the memory of Carolynn Heilig, on motion of Assembly Member Huffman; out of respect to the memory of Ghazaros Kademian, on motion of Assembly Members Krekorian and De León; out of respect to the memory of Private Grant A. Cotting, on motion of Assembly Member Miller; out of respect to the memory of Charles W. Fox, on motion of Assembly Member Brownley; out of respect to the memory of Ken Schonlau, on motion of Assembly Member Brownley; out of respect to the memory of Istiharoh Glasgow and Kathleen Geoghegan, on motion of Assembly Member Portantino; out of respect to the memory of Christopher Wainwright, on motion of Assembly Member Jeffries; and out of respect to the memory of William “Bill” L. Handy, Sr., on motion of Assembly Member Price.

KAREN BASS, Speaker

AMY LEACH, History Clerk

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