

CALIFORNIA LEGISLATURE  
2009–10 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, February 1, 2010**

**ONE HUNDRED FORTY-SIXTH SESSION DAY**

**FOUR HUNDRED TWENTY-EIGHTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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  
Monday, February 1, 2010

The Assembly met at 11 a.m.

Hon. John A. Pérez, Speaker-elect of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

File Clerk Russell Tomas reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Hall moved a quorum call of the Assembly.

Motion carried. Time, 11:01 a.m.

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

#### Quorum Present

At 11:19 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	DeVore	Huber	Ruskin
Ammiano	Emmerson	Huffman	Salas
Anderson	Eng	Jeffries	Saldaña
Arambula	Evans	Jones	Silva
Beall	Feuer	Knight	Skinner
Berryhill, Bill	Fletcher	Lieu	Smyth
Berryhill, Tom	Fong	Lowenthal	Solorio
Block	Fuller	Ma	Strickland
Blumenfield	Furutani	Mendoza	Swanson
Bradford	Gaines	Miller	Torlakson
Brownley	Galgiani	Monning	Torres
Buchanan	Garrick	Nava	Torrico
Caballero	Gilmore	Nestande	Tran
Chesbro	Hagman	Niello	Villines
Conway	Hall	Nielsen	Yamada
Cook	Harkey	Norby	Mme. Speaker
Coto	Hayashi	Pérez, John	
De La Torre	Hernandez	Pérez, V. Manuel	
De León	Hill	Portantino	

**PRAYER**

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

*Lord, The Apostle Paul wrote that You have not given us a spirit of fear, but of power, of love and of a sound mind. (2 Timothy 1:7) Conquering fear starts with the choice to believe Your promises and then focusing and acting on them. Thank You Lord, for your gift of power, love and a sound mind. Fill us with your peace and joy today as we accomplish the work that is set before us.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker-elect John A. Pérez, Assembly Member Norby 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 Blakeslee and Fuentes.*

*Because of illness: Assembly Members Carter and Logue.*

*Due to travel delays: Assembly Members Calderon and Davis.*

**EXPLANATIONS OF ABSENCE**

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

February 1, 2010

*The Honorable Karen Bass*

*Speaker*

*California State Assembly*

*State Capitol, Room 219*

*Sacramento, California*

Dear Speaker Bass: The purpose of this letter is to respectfully request to be excused from session on Monday, February 1, due to legislative business.

Thank you for your consideration. Please contact me at (916) 319-2033 with any questions.

Sincerely,

SAM BLAKESLEE, Assembly Member  
Thirty-third District

January 28, 2010

*The Honorable Karen Bass  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mme. Speaker: This letter is to respectfully request your approval to be excused from Session on Monday, February 1, 2010, for legislative business in my district.

Your favorable consideration in this matter would be greatly appreciated. If you have any questions, please do not hesitate to contact me.

Respectfully yours,

FELIPE FUENTES, Assembly Member  
Thirty-ninth District

**COMMUNICATIONS**

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

February 1, 2010

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

Dear Dotson: Please be advised that I have removed Assemblymember Martin Garrick from the following committees, creating Republican vacancies:

Assembly Education Committee  
Assembly Transportation Committee  
Assembly Legislative Ethics Committee  
Joint Legislative Audit Committee

Sincerely,

KAREN BASS  
Speaker of the Assembly

January 20, 2010

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

RE: Appointment of Bruce Saito  
to Prison Industry Board

Dear Mr. Wilson: Please be advised I have appointed Mr. Bruce Saito to the Prison Industry Board. This is a term appointment starting January 20, 2010 and the expiration date is January 1, 2012.

Sincerely,

KAREN BASS  
Speaker of the Assembly

January 21, 2010

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

RE: Appointment of Omar Zaki  
to California Council on Criminal Justice

Dear Mr. Wilson: Please be advised I have appointed Mr. Omar Zaki to the California Council on Criminal Justice. This is a pleasure appointment starting January 21, 2010.

Sincerely,

KAREN BASS  
Speaker of the Assembly

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

February 1, 2010

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

Dear Mr. Wilson: This letter is to notify you that I have been elected Assembly Republican Leader for the 2009/2010 Regular Session, Sixth and Eighth Extraordinary Sessions, effective February 1, 2010. I have appointed Assemblywoman Connie Conway to serve as the 2nd Ranking Republican Leader and Caucus Chair.

In addition, the following members have been appointed to the Assembly Republican Leadership Team:

Assemblyman Martin Garrick	Republican Leader
Assemblywoman Connie Conway	2nd Ranking Republican Leader and Caucus Chair
Assemblyman Curt Hagman	Assistant Leader
Assemblyman Jim Nielsen	Assistant Leader

If you have any questions regarding this letter, please contact Mike Zimmerman at 319-2074.

It is an honor working with you in the California State Assembly.

Sincerely,

MARTIN GARRICK  
Assembly Republican Leader

### **SPECIAL COMMITTEE MEETINGS**

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

Select Committee on Workforce Development and Career Technical Education, Wednesday, February 17, 2010, at 1:30 p.m., in Room 126;

Aging and Long-Term Care, to meet jointly with the Senate Health Subcommittee on Aging and Long-Term Care, Tuesday, February 9, 2010, at 1:30 p.m., in Room 444;

Labor and Employment, to meet jointly with the California Legislative Women's Caucus, Wednesday, February 17, 2010, at 1:30 p.m., in Room 447.

### **CONGRATULATIONS EXTENDED**

Assistant Speaker pro Tempore Hall announced that Assembly Member Tom Torlakson "Papa Tom" became a grandfather over the weekend. Anthony Lucas, who weighed 8 lbs. 4 oz, is the first baby for Assembly Member Torlakson's eldest daughter, Tiffany, and her husband Jean-David Margulici. The Members of the Assembly joined in offering congratulations to the parents and to "Papa Tom".

### **REQUEST FOR PHOTOGRAPHER**

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

### **JOINT RULE 62(a) SUSPENDED**

Assembly Member Torrico was granted unanimous consent that the Select Committee on Healthcare Workforce Access be permitted to hold a special meeting on Wednesday, February 3, 2010, at 10 a.m., in Room 444, and that Joint Rule 62(a) be suspended.

### **BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

**Senate Bill No. 229**, on request of Assembly Member Torrico.

### **ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR**

Assembly Member Hall was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting guests to sit at his desk in the Assembly Chamber, whereupon he introduced his mother, Dorothy Vann.

### **SPECIAL RECOGNITION**

Speaker-elect John A. Pérez welcomed Assembly Member Norby on his first Floor session as a Member of the Assembly.

(Note: Assembly Member Norby took and subscribed to the Oath of Office for Assembly Member, 72nd District on Friday, January 29, 2010. (See Assembly Journal, page 3938.))

**At 11:25 a.m., Assistant Speaker pro Tempore Isadore Hall III,  
52nd District, presiding**

### **RECESS**

By unanimous consent, at 11:31 a.m., Assistant Speaker pro Tempore Hall declared the Assembly recessed to convene the Eighth Extraordinary Session.

### **RECONVENED**

At 11:33 a.m., the Assembly reconvened.

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

**MOTION TO WITHDRAW SENATE BILL NO. 10 FROM COMMITTEE  
AND PLACE ON FILE**

Assembly Member Torrico moved that Senate Bill No. 10 be withdrawn from the Committee on Appropriations and placed on the second reading file.

Assembly Member Saldaña seconded the motion.

Motion carried by the following vote:

**AYES—45**

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

**NOES—26**

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

**ANNOUNCEMENTS**

Assistant Speaker pro Tempore Hall announced the following session schedule:

Tuesday, February 2, 2010, Check-in Session, 7 a.m.–3 p.m.

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

Thursday, February 4, 2010, Floor Session, 9:30 a.m.

**ADJOURN IN MEMORY**

Assembly Member Lowenthal was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Guy Pullen of Avalon.

Assembly Member De La Torre was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dorothy Jeanette Baca of Commerce.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following item:

**Torrico Motion to Suspend the Rules:** Blumenfield, Huffman, Lieu, and Mendoza—Aye; Tom Berryhill, DeVore, and Fuller—No.

**MOTION TO ADJOURN**

At 11:38 a.m., Assembly Member Saldaña moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 11:39 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. 1697—Hall.** An act to amend Sections 69922 and 69926 of the Government Code, and to amend Section 1465.8 of the Penal Code, relating to courts.

**ASSEMBLY BILL NO. 1698—Conway.** An act to amend Section 49024 of the Education Code, relating to school volunteers.

**ASSEMBLY BILL NO. 1699—Hernandez (Principal coauthor: Hayashi) (Coauthors: Beall, Blumenfield, Eng, Furutani, Jones, Lieu, Ma, Monning, Portantino, Saldaña, Skinner, Torlakson, Torres, and Torrico).** An act to add Section 1232 to the Government Code, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1700—Gaines.** An act to amend Sections 6051.7, 6201.7, 10752, 10752.1, 10752.2, 17041, 17054, and 17062 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1701—Chesbro.** An act to amend Section 4145 of the Business and Professions Code, and to amend Section 11364 of the Health and Safety Code, relating to public health.

**ASSEMBLY BILL NO. 1702—Swanson.** An act to amend Section 104113 of the Health and Safety Code, relating to defibrillators.

**ASSEMBLY BILL NO. 1703—Knight.** An act to amend Section 70123 of the Education Code, relating to student financial aid.

**ASSEMBLY BILL NO. 1704—Jeffries.** An act to amend Section 21080.21 of the Public Resources Code, relating to the environment.

**ASSEMBLY BILL NO. 1705—V. Manuel Pérez.** An act to add Sections 17131.3, 24303, and 23456.3 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1706—Ammiano.** An act to amend Sections 1000 and 1000.1 of the Penal Code, relating to criminal procedure.

**ASSEMBLY BILL NO. 1707—Conway.** An act to amend Section 3075.1 of the Labor Code, relating to employment.

**ASSEMBLY BILL NO. 1708—Villines.** An act to amend Section 1765.1 of the Insurance Code, relating to insurance.

**RESOLUTIONS**

The following resolution was offered:

**HOUSE RESOLUTION NO. 22—Garrick and DeVore.** Relative to Ronald Reagan Day.

**AUTHOR'S AMENDMENTS  
Committee on Rules**

February 1, 2010

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

Assembly Concurrent Resolution No. 100

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

LIEU, Chair



**ASSEMBLY CONCURRENT RESOLUTION NO. 100**—Relative to teen dating violence.

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

**AUTHOR’S AMENDMENTS  
Committee on Rules**

February 1, 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 California Holocaust Memorial Week.

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

**AUTHOR’S AMENDMENTS  
Committee on Water, Parks and Wildlife**

February 1, 2010

Mme. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 565

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

HUFFMAN, Chair

**SENATE BILL NO. 565**—An act to add Part 5.5 (commencing with Section 12567) to Division 6 of the Water Code, relating to water recycling.

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.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following resolutions were referred to committee:

<i>House</i>	
<i>Resolution No.</i>	<i>Committee</i>
<b>22</b> -----	Rls.
<i>Senate Concurrent</i>	
<i>Resolution No.</i>	<i>Committee</i>
<b>64</b> -----	Rls.

**REPORTS OF STANDING COMMITTEES  
Committee on Rules**

Date of Hearing: February 1, 2010

Mme. Speaker: Your Committee on Rules reports:

House Resolution No. 22

With the recommendation: Be adopted.

LIEU, Chair

Above resolution ordered to third reading.

Date of Hearing: February 1, 2010

Mme. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 64

With the recommendation: Be adopted.

LIEU, Chair

Above resolution ordered to third reading.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 29, 2010

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

Assembly Bill No. 680

And reports the same correctly enrolled, and presented to the Governor on the 29th day of January, 2010, at 12:05 p.m.

E. DOTSON WILSON, Chief Clerk

#### **INTRODUCTION OF GUESTS**

Assembly Member Furutani, of the 55th Assembly District, introduced the California Association FHA-HERO State Officers.

Assembly Member Niello, of the 5th Assembly District, introduced Robert Hartung, Praful Kulkarni, Eric Kisshauer, and Victor Sanvido of Design-Build Institute of America (DBIA).

Assembly Member Gilmore, of the 30th Assembly District, introduced participants of the Young Masters Art Competition "California Spice the Flavors of the Valley".

#### **ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Saldaña, the Assembly adjourned until 7 a.m., Tuesday, February 2, 2010, out of respect to the memory of Dorothy Jeanette Baca, on motion of Assembly Member De La Torre; and out of respect to the memory of Guy Pullen, on motion of Assembly Member Lowenthal.

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KAREN BASS, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 1, 2010**

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

**ACR RN**

31 1003278

100 1005477

**SB RN**

565 1005450

**Daily Total: 3**

**Cumulative Total: 2607**

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