

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, February 2, 2009
TWENTIETH SESSION DAY
SIXTY-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.

(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
Monday, February 2, 2009

The Assembly met at 12 noon.
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 Torrico 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 12:10 p.m., Speaker pro Tempore Saldaña declared a quorum of
the Assembly present.

The roll call was completed, and the following answered to their
names—74:

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

PRAYER

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

Lord, You have blessed us, You have made us healthy and strong. Because of your power in us, no weapon arrayed against us will prosper. Grant, O Lord, that our faith will activate our plan for life. Send your angels on our behalf and set your blessings in motion for us. For we honor You today and always.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Saldaña, Assembly Member DeVore 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 Members were granted leaves of absence for the day:

On legislative business: Assembly Members Beall, Price, Ruskin, and Logue.

On personal business and waiving per diem: Assembly Member Davis.

Because of illness: Assembly Member Lowenthal.

EXPLANATIONS OF ABSENCE

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

January 22, 2009

*Speaker Karen Bass
California State Assembly
Room 219, State Capitol
Sacramento, California*

Dear Mme. Speaker: I respectfully request to be excused from the Assembly Session on Monday February 2, 2009. I will be in my district during this time attending to legislative business.

Thank you for your attention to this request.

Sincerely,

JIM BEALL, JR., Assembly Member
Twenty-fourth District

January 28, 2009

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

Dear Mme. Speaker: This letter is to respectfully request that I be excused from Assembly Session on February 2, as I have legislative business in my district. If you have any questions, please contact Stephanie Steele at 319-2003.

Thank you for your consideration of this request.

Sincerely,

DAN LOGUE, Assembly Member
Third District

January 30, 2009

*The Honorable Karen Bass
Speaker of the Assembly
State Capitol, Room 319
Sacramento, California*

Dear Mme. Speaker: I respectfully request to be excused from session on Monday, February 2, 2009 due to legislative business in my district.

Thank you for consideration.

Sincerely,

CURREN D. PRICE, JR., Assembly Member
Fifty-first District

January 22, 2009

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

Dear Mme. Speaker: I respectfully request to be excused from Session on Monday, February 2, 2009 on legislative business.

Thank you for your assistance in this matter.

Respectfully,

IRA RUSKIN, Assembly Member
Twenty-first District

SPECIAL COMMITTEE MEETINGS

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

Human Services and Aging and Long-Term Care, joint informational hearing, on Tuesday, February 24, 2009, at 10 a.m., in Room 447.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly Joint

Resolution No.

4 ----- Rls.

Committee

House

Resolution No.

6 ----- Rls.

Committee

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 12:39 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

REPORTS OF STANDING COMMITTEES
Committee on Rules

Date of Hearing: February 2, 2009

Mme. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 4

With the recommendation: Be adopted.

LIEU, Chair

Above resolution ordered to third reading.

ASSEMBLY JOINT RESOLUTION NO. 4 TAKEN UP
BY UNANIMOUS CONSENT

Assembly Member Evans was granted unanimous consent to take up Assembly Joint Resolution No. 4, without reference to file, for purpose of consideration.

ASSEMBLY JOINT RESOLUTION NO. 4—Relative to Economic Stimulus Funds.

Resolution read.

Members Made Coauthors of Assembly Joint Resolution No. 4

Assembly Member Evans was granted unanimous consent to open the roll for the purpose of permitting members to add as coauthors of Assembly Joint Resolution No. 4.

Roll Call

The following members indicated a desire to become coauthors:

Ammiano, Arambula, Bass, Block, Blumenfield, Brownley, Buchanan, Caballero, Calderon, Carter, Chesbro, Coto, De La Torre, De León, Eng, Evans, Feuer, Fong, Fuentes, Furutani, Galgiani, Hall, Hayashi, Hernandez, Hill, Huffman, Jones, Krekorian, Lieu, Ma, Mendoza, Monning, Nava, John A. Pérez, V. Manuel Pérez, Portantino, Salas, Saldaña, Skinner, Solorio, Swanson, Torlakson, Torres, Torrico, and Yamada.

ANNOUNCEMENTS

Speaker pro Tempore Saldaña reminded members that pursuant to Assembly Rule 117.5, cellular phones should not be used on the Floor and should be set to silent mode during Session.

**FURTHER CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 4
Request for Unanimous Consent**

Assembly Member Evans was granted unanimous consent to take up Assembly Joint Resolution No. 4, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 4, as Amended

ASSEMBLY JOINT RESOLUTION NO. 4—Relative to Economic Stimulus Funds.

Resolution read, as amended, and adopted by the following vote:

AYES—46

Ammiano	De León	Huber	Salas
Arambula	Eng	Huffman	Saldaña
Block	Evans	Jones	Skinner
Blumenfield	Feuer	Krekorian	Solorio
Brownley	Fong	Lieu	Swanson
Buchanan	Fuentes	Ma	Torlakson
Caballero	Furutani	Mendoza	Torres
Calderon	Galgiani	Monning	Torrico
Carter	Hall	Nava	Yamada
Chesbro	Hayashi	Pérez, John	Mme. Speaker
Coto	Hernandez	Pérez, V. Manuel	
De La Torre	Hill	Portantino	

NOES—27

Adams	Duvall	Hagman	Nielsen
Anderson	Emmerson	Harkey	Silva
Berryhill, Bill	Fletcher	Jeffries	Smyth
Berryhill, Tom	Fuller	Knight	Strickland
Conway	Gaines	Miller	Tran
Cook	Garrick	Nestande	Villines
DeVore	Gilmore	Niello	

Resolution ordered transmitted to the Senate.

ANNOUNCEMENTS

Speaker pro Tempore Saldaña reminded members that Friday, February 6, is “Wear Red Day” in support of the “Go Red for Women” movement to help the fight against heart disease.

RECESS

By unanimous consent, at 2 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed to permit the introduction of special guests in recognition of Black History Month.

Assembly Member Swanson introduced Senator Wright and football legends Sam “Bam” Cunningham, John Papadakis, and Charlé Young who were on the 1970 USC football team that played a major role in integrating college football in the South.

RECONVENED

At 2:05 p.m., the Assembly reconvened.

Hon. Lori Saldaña, Speaker pro Tempore of the Assembly, presiding.

ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced the following session schedule:

Tuesday, February 3, 2009, Check-in Session, 7 a.m.–3 p.m. and Floor Session, upon Call of the Speaker;

Wednesday, February 4, 2009, Check-in Session, 7 a.m.–3 p.m. and Floor Session, upon Call of the Speaker;

Thursday, February 5, 2009, Check-in Session, 7 a.m.–3 p.m. and Floor Session, upon Call of the Speaker;

Friday, February 6, 2009, Floor Session, 9:30 a.m.

Saturday, February 7, 2009, Floor Session, upon Call of the Speaker;

Sunday, February 8, 2009, Floor Session, upon Call of the Speaker;

Monday, February 9, 2009, Floor Session, upon Call of the Speaker.

ADJOURN IN MEMORY

Assembly Member Bill Berryhill was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bill Perry of Manteca.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Skinner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Charles “Ozzie” Osborne of Berkeley.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Blumenfield was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Daniel Jonathan Groner of Santa Ana.

Speaker Bass was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sergeant Curt Massey of the Culver City Police Department.

VOTE ADDS

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

Assembly Joint Resolution No. 4: Anderson and Villines—No.

MOTION TO ADJOURN

At 2:07 p.m., Assembly Member Evans moved that the Assembly do now adjourn.

Assembly Member Smyth seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 2:08 p.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. 176—Silva. An act to amend Sections 2293, 3635, 4846.5, 8027, 17539.55, 19513, 19576, 19861, 19870, 21701.1, and 25658.4 of the Business and Professions Code, to amend Sections 916, 922, 1799.3, and 3344.1 of the Civil Code, to amend Sections 129, 1033.5, and 2025.560 of the Code of Civil Procedure, to amend Sections 8971, 17002, 18032, 19323, 32255, 49091.10, 52740, 52742, 52743, 56341.1, and 60204 of the Education Code, to amend Sections 2052, 2053, 9082.5, and 18541 of the Elections Code, to amend Sections 795, 1118, and 1294 of the Evidence Code, to amend Sections 3170, 7572, 10005, and 20034 of the Family Code, to amend Sections 8880.30, 11124.1, 11130, 12811.3, 14999.31, 26202.6, 26206.7, 26206.8, 27491.47, 34090.6, 34090.7, 34090.8, 50028, 53160, 53161, 53162, 54953.5, 54960, and 68151 of the Government Code, to amend Sections 1569.69, 1736.5, 7158.3, 13220, 13221, 25201.11, 40828, 100171, and 127240 of the Health and Safety Code, to amend Sections 1758.97 and 2071.1 of the Insurance Code, to amend Sections 298.1, 599aa, 868.7, and 1203.098 of the Penal Code, to amend Section 4423.1 of the Public Resources Code, to amend Section 1611 of the Revenue and Taxation Code, and to amend Section 19639 of the Welfare and Institutions Code, relating to the maintenance of the codes.

ASSEMBLY BILL NO. 177—Price. An act relating to energy.

ASSEMBLY BILL NO. 178—Skinner and Charles Calderon. An act to amend Section 6203 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 179—Portantino. An act to amend Section 288 of the Penal Code, relating to crime.

ASSEMBLY BILL NO. 180—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson). An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 181—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson). An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 182—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson). An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 183—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson). An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 184—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson.) An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 185—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson.) An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 186—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson.) An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 187—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson.) An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 202—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson). An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 203—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson). An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 204—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson). An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 205—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson). An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 206—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson). An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 207—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson). An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 208—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson). An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 209—Committee on Budget (Assembly Members Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Caballero, Carter, De La Torre, Feuer, Hill, Huffman, Monning, Ruskin, and Swanson). An act relating to the Budget Act of 2009.

ASSEMBLY BILL NO. 210—Hayashi. An act to amend Sections 17958.5 and 18941.5 of the Health and Safety Code, relating to building standards.

ASSEMBLY BILL NO. 211—Mendoza. An act to add Article 8.5 (commencing with Section 17075.50) to Chapter 12.5 of Part 10 of Division 1 of Title 1 of the Education Code, relating to school facilities.

ASSEMBLY BILL NO. 212—Saldaña and Lieu. An act to amend Section 25402 of the Public Resources Code, relating to energy.

ASSEMBLY BILL NO. 213—Bonnie Lowenthal. An act to amend Section 22502 of the Vehicle Code, relating to vehicles.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 16—Silva. Relative to the Joint Rules of the Senate and Assembly for the 2009–10 Regular Session.

ASSEMBLY CONCURRENT RESOLUTION NO. 17—Saldaña (Coauthors: Bonnie Lowenthal, Torres, and Yamada) (Coauthors: Senators Alquist, Kehoe, Liu, Negrete McLeod, Oropeza, Pavley, Romero, and Wiggins). Relative to American Heart Month and Wear Red Day.

AUTHOR'S AMENDMENTS
Committee on Rules

February 2, 2009

Mme. Speaker: The Chair of your Committee on Rules reports:
House Resolution No. 6

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

LIEU, Chair

HOUSE RESOLUTION NO. 6—Relative to Ronald Reagan Day.

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

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Evans, the Assembly adjourned until 7 a.m., Tuesday, February 3, 2009, out of respect to the memory of Bill Perry, on motion of Assembly Member Bill Berryhill; out of respect to the memory of Charles "Ozzie" Osborne, on motion of Assembly Member Skinner; out of respect to the memory of Daniel Jonathan Groner, on motion of Assembly Member Blumenfield; and out of respect to the memory of Sergeant Curt Massey, on motion of Speaker Bass.

KAREN BASS, Speaker

AMY LEACH, History Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 2, 2009**

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

HR RN

6 0905713

Daily Total: 1

Cumulative Total: 1

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