

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 4, 2010

**ONE HUNDRED FORTY-NINTH SESSION DAY
FOUR HUNDRED THIRTY-FIRST 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, February 4, 2010

The Assembly met at 9:30 a.m.

Hon. Fiona Ma, Assembly Member, 12th District, 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

At 9:34 a.m., Acting Speaker Ma placed a quorum call upon the Assembly.

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

**At 9:35 a.m., Assistant Speaker pro Tempore Isadore Hall III,
52nd District, presiding**

Quorum Present

At 9:44 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—76:

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

PRAYER

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

Lord, Supreme Court Justice William O. Douglas wrote in one of the court's decisions that "We are a religious people and our institutions presuppose a Supreme Being." The Supreme Court also begins each day with the proclamation, "God save the United States and this honorable Court." Lord, we exist as a free society because of the freedoms we enjoy based on the rights You give each of us as persons. We thank You for these rights and we ask that You save us all, this day and forever.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Hall, Assembly Member Blumenfield 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 Mendoza and John A. Pérez.

Because of illness: Assembly Member Carter.

EXPLANATIONS OF ABSENCE

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

January 7, 2010

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

Dear Mme. Speaker: I am respectfully requesting permission to be excused from Session on legislative business, on Thursday, February 4 due to being Principal of the Day at Niemes Elementary School in my district.

I want to thank you in advance for your consideration of this request.

Sincerely,

TONY MENDOZA, Assembly Member
Fifty-sixth District

January 13, 2010

*The Honorable Speaker Bass
State Capitol
Sacramento, California*

Dear Mme. Speaker: I am writing to respectfully ask to be excused from session on legislative business on February 4 to travel to Washington DC for meetings.

Thank you for your prompt response to my request. Please contact Nicole Curran in my office at (916) 319-2046 should any questions arise.

Sincerely,

JOHN A. PÉREZ, Assembly Member
Forty-sixth District

COMMUNICATIONS

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

February 4, 2010

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

Dear Dotson: Please be advised that I have appointed Assemblymember Chris Norby to the following committees for the remainder of the 2009–10 Regular Session:

Assembly Education Committee
Assembly Transportation Committee
Joint Legislative Audit Committee

Sincerely,

KAREN BASS
Speaker of the Assembly

February 2, 2010

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

RE: Appointment of Kristina Dixon
to California Board of Podiatric Medicine

Dear Mr. Wilson: Please be advised I have appointed Ms. Kristina Dixon to the California Board of Podiatric Medicine. This is a term appointment starting February 2, 2010 and the expiration date is June 1, 2010.

Sincerely,

KAREN BASS
Speaker of the Assembly

February 3, 2010

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

RE: Appointment of Mattie McFadden-Lawson
 to Private Postsecondary Education Advisory Committee

Dear Mr. Wilson: Please be advised I have appointed Ms. Mattie McFadden-Lawson to the Private Postsecondary Education Advisory Committee. This is a pleasure appointment starting February 3, 2010.

Sincerely,

KAREN BASS
 Speaker of the Assembly

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>
1652 -----	L. & E.
1659 -----	B. & P.
1669 -----	Nat. Res.
1679 -----	U. & C.
1680 -----	Jud.
1681 -----	E. & R.
1683 -----	Ed.
1684 -----	Jud.
1687 -----	Rev. & Tax.
1688 -----	Pub. S.
1689 -----	E. & R.
1690 -----	Rev. & Tax. and L. Gov.
1691 -----	Higher Ed.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
106 -----	Trans.
107 -----	Rls.
108 -----	Rls.
109 -----	Trans.
110 -----	Hum. S.
111 -----	Rls.
112 -----	Rls.
113 -----	Trans.

Senate

<i>Bill No.</i>	<i>Committee</i>
22 -----	E.S. & T.M.
189 -----	Jud.
203 -----	Pub. S.
408 -----	Pub. S.
525 -----	Pub. S.
677 -----	Pub. S.

RE-REFERENCE OF BILLS

Assembly Member Ma was granted unanimous consent that the following bills be re-referred as noted pursuant to Assembly Rule 96:

Assembly Concurrent Resolution No. 74 from the Committee on Business and Professions to the Committee on Rules.

RECESS

By unanimous consent, at 9:46 a.m., Assistant Speaker pro Tempore Hall declared the Assembly recessed to convene Eighth Extraordinary Session.

RECONVENED

At 9:54 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:

Monday, February 8, 2010, Floor Session, 12 noon.

ADJOURN IN MEMORY

Assembly Member Evans was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of LaVerne Wetch of Santa Rosa.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Salas, Fletcher, and Saldaña were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John A. Smith of Spring Valley.

(Assembly Rule 45.5 suspended.)

CONSIDERATION OF DAILY FILE**THIRD READING OF ASSEMBLY BILLS**

HOUSE RESOLUTION NO. 22 (Garrick)—Relative to Ronald Reagan Day. Resolution read.

Members Made Coauthors of House Resolution No. 22

Assembly Member Garrick was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 22.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Adams, Anderson, Arambula, Bass, Beall, Bill Berryhill, Tom Berryhill, Blakeslee, Block, Blumenfield, Bradford, Brownley, Buchanan, Calderon, Conway, Cook, Coto, De León, Emmerson, Eng, Evans, Feuer, Fletcher, Fong, Fuller, Furutani, Gaines, Galgiani, Gilmore, Hagman, Hall, Harkey, Hernandez, Hill, Huber, Huffman, Jeffries, Knight, Logue, Lowenthal, Miller, Nava, Nestande, Niello, Nielsen, Norby, V. Manuel Pérez, Portantino, Ruskin, Salas, Saldaña, Silva, Smyth, Strickland, Swanson, Torlakson, Tran, Villines, and Yamada.

Request for Unanimous Consent

Assembly Member Garrick was granted unanimous consent to take up House Resolution No. 22, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of House Resolution No. 22, as Amended

HOUSE RESOLUTION NO. 22—Relative to Ronald Reagan Day.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

THIRD READING OF SENATE BILLS

SENATE BILL NO. 205 (Hancock)—An act to amend the heading of Article 1 (commencing with Section 12000) of Chapter 1 of Part 8 of Division 1 of Title 1 of, and to add Section 12001.5 to, the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend by Assembly Member Brownley

Assembly Member Brownley moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

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

Resolution read.

Members Made Coauthors of Senate Concurrent Resolution No. 64

Assembly Member Saldaña was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Senate Concurrent Resolution No. 64.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Saldaña was granted unanimous consent to take up Senate Concurrent Resolution No. 64, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Senate Concurrent Resolution No. 64, as Amended

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

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

COMMITTEE MEETING ANNOUNCEMENTS

Assistant Speaker pro Tempore Hall announced that the Committee on Rules would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

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 Palmer Little of Escalon.

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 Marie Keba of Abington, Pennsylvania.

VOTE ADDS

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

House Resolution No. 22, Coauthors: Beall, Blakeslee, and Strickland—Aye.

Senate Concurrent Resolution No. 64, Coauthors: Galgiani—Aye.

MOTION TO ADJOURN

At 10:26 a.m., Assembly Member Portantino moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:26 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. 1730—Emmerson. An act to amend Section 43.7 of the Civil Code, relating to personal rights.

ASSEMBLY BILL NO. 1731—Tran. An act to amend Section 1936 of the Civil Code, relating to vehicle rental agreements.

ASSEMBLY BILL NO. 1732—Hall. An act relating to parks.

ASSEMBLY BILL NO. 1733—Hill (Coauthors: Ammiano, Anderson, Block, Caballero, Coto, Fletcher, Fong, Galgiani, Harkey, Hayashi, Audra Strickland, Swanson, Torlakson, and Villines) (Coauthor: Senator Wyland). An act to add Section 12019.5 to the Government Code, relating to state government.

ASSEMBLY BILL NO. 1734—Garrick. An act to amend Section 11343.4 of the Government Code, relating to regulations.

ASSEMBLY BILL NO. 1735—Harkey. An act to add Sections 17053.13 and 23623.2 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1736—Tom Berryhill and Ma. An act to amend Section 2000 of the Business and Professions Code, relating to medicine.

ASSEMBLY BILL NO. 1737—Eng. An act to amend Section 8310.5 of, and to add Section 8310.7 to, the Government Code, relating to state agencies.

ASSEMBLY BILL NO. 1738—Tran. An act to amend Section 6228 of the Family Code, relating to domestic violence.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 115—Emmerson. Relative to California Safe Digging Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 116—Hill (Principal coauthor: Senator Corbett) (Coauthors: Ammiano, Anderson, Block, Caballero, Coto, Fletcher, Fong, Galgiani, Harkey, Hayashi, Audra Strickland, Swanson, Torlakson, and Villines) (Coauthor: Senator Wyland). Relative to California Lab Day.

ASSEMBLY CONCURRENT RESOLUTION NO. 117—Hill and Huffman (Principal coauthors: Senators Corbett and Leno) (Coauthors: Ammiano, Anderson, Block, Caballero, Coto, Fletcher, Fong, Galgiani, Harkey, Hayashi, Audra Strickland, Swanson, Torlakson, and Villines) (Coauthor: Senator Wyland). Relative to Rare Disease Day.

ASSEMBLY JOINT RESOLUTION NO. 31—Buchanan (Coauthor: Nestande) (Coauthor: Senator Liu). Relative to special education funding.

AUTHOR'S AMENDMENTS**Committee on Judiciary**

February 4, 2010

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

Senate Bill No. 189

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

FEUER, Chair

SENATE BILL NO. 189—An act to amend Sections 7034, 7071.5, 7071.10, 7159, 7159.1, 7159.5, 7159.14, 7164, 8513, and 17577.5 of the Business and Professions Code, to amend Sections 1917.166, 1917.615, 3059, 3060, 3319, 3320, and 3321 of, to add Part 6 (commencing with Section 8000) to Division 4 of, to repeal Chapter 8 (commencing with Section 3081.1) of Title 14 of Part 4 of Division 3 of, and to repeal Title 15 (commencing with Section 3082) of Part 4 of Division 3 of, the Civil Code, to amend Sections 86, 410.42, 708.760, 1203.61, 1281.5, and 1800 of the Code of Civil Procedure, to amend Sections 17307.5 and 81133.5 of the Education Code, to amend Sections 7480, 14975, 15820.105, 27287, 66499.2, and 66499.7 of, and to repeal Section 27361.9 of, the Government Code, to amend Sections 5463, 16017.5, 19825, and 34218 of the Health and Safety Code, to amend Section 11751.82 of the Insurance Code, to amend Section 218.5 of the Labor Code, to amend Sections 4107.7, 7103, 10222, 10822, 20104, 20134, 20461, 20496, 20682.5, 20688.4, 20813, 20815.3, 20991, 21061, 21071, 21081, 21091, 21101, 21101, 21111, 21121, 21131, 21141, 21151, 21161, 21171, 21181, 21196, 21212, 21231, 21241, 21251, 21261, 21271, 21311, 21321, 21331, 21341, 21351, 21361, 21371, 21381, 21391, 21401, 21411, 21421, 21431, 21441, 21451, 21461, 21491, 21501, 21511, 21521, 21531, 21541, 21572, 21581, 21591, 21601, 21622, and 21631 of, the Public Contract Code, and to amend Section 136.5 of the Streets and Highways Code, relating to mechanics liens.

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 Public Safety**

February 4, 2010

Mme. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 1601

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

AMMIANO, Chair

ASSEMBLY BILL NO. 1601—An act to amend Sections 23217, 23540, 23546, 23550, 23550.5, 23560, and 23566 of, and to add Section 23597 to, the Vehicle Code, relating to vehicles.

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.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: February 4, 2010

Mme. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 31

Assembly Concurrent Resolution No. 100

With the recommendation: Be adopted.

LIEU, Chair

Above resolutions ordered to third reading.

MESSAGES FROM THE SENATE

Senate Chamber, February 4, 2010

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

Assembly Concurrent Resolution No. 96

And respectfully requests the Assembly to concur in said amendments.

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

Above resolution ordered to unfinished business file.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Portantino, the Assembly adjourned until 12 noon, Monday, February 8, 2010, out of respect to the memory of LaVerne Wetch, on motion of Assembly Member Evans; out of respect to the memory of John A. Smith, on motion of Assembly Members Salas, Fletcher, and Saldaña; out of respect to the memory of Palmer Little, on motion of Assembly Member Bill Berryhill; and out of respect to the memory of Marie Keba, on motion of Assembly Member Portantino.

KAREN BASS, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 4, 2010**

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

AB	RN
1601	1005628

SB	RN
189	1005330
205	1005584

Daily Total:	3
Cumulative Total:	2610

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