

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 5, 2009
TWENTY-THIRD SESSION DAY
SIXTY-SEVENTH 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, February 5, 2009

The Assembly met at 9:30 a.m.

Hon. Karen Bass, Speaker 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 Duvall moved a quorum call of the Assembly.

Motion carried.

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

Quorum Present

At 9:39 a.m., Speaker Bass declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—76:

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

PRAYER

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

Lord, So many people use cell phones today. We see them talking while shopping, while walking outdoors, in the airport and even in church. We almost forget what it was like to live without our cell phones. Lord, You are our personal Creator and Redeemer, Who not only understands us, but seeks communication from us. Help us to remember that while we talk to so many people today, You wait for us to talk to You through prayer.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Bass, Assembly Member Cook 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 Krekorian, 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 Davis and Torrico.

On personal business, per diem waived for the 2009–2010 Session (See Assembly Journal, page 59): Assembly Member Jones.

Because of illness in his family: Assembly Member Beall.

EXPLANATIONS OF ABSENCE

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

February 3, 2009

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

Dear Mme. Speaker: Please excuse me from Floor Session on Thursday, February 5, 2009. I will be in Sacramento on legislative business.

Sincerely,

MIKE DAVIS, Assembly Member
Forty-eighth District

February 5, 2009

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

Dear Madam Speaker: I respectfully request permission to be excused from Floor Session on Thursday, February 5, 2009 due to legislative business.

Sincerely,

ALBERTO TORRICO
Majority Floor Leader

COMMUNICATIONS

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

February 5, 2009

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

Dear Dotson: This is to advise you that I have made changes to the following committees, effective immediately:

Assemblymember V. Manuel Pérez will replace Assemblymember Anna Caballero on the Assembly Aging and Long-Term Care Committee.

Assemblymember Anthony Portantino has been appointed to the Assembly Governmental Organization Committee, increasing the membership of the committee from 18 to 19 members.

Assemblymember Connie Conway and Assemblymember Kevin de León have been appointed to the Assembly Health Committee, increasing the membership of the committee from 17 to 19 members.

Assemblymember Fiona Ma has been appointed to the Assembly Labor and Employment Committee, increasing the membership of the committee from 7 to 8 members.

Assemblymember Julia Brownley has been appointed to the Assembly Budget Subcommittee No. 1 on Health and Human Services, increasing the membership of the committee from 6 to 7 members.

Assemblymember Noreen Evans will replace Assemblymember Alberto Torrico on the Joint Legislative Audit Committee.

Sincerely,

KAREN BASS
Speaker of the Assembly

February 5, 2009

E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: This is to advise you that I have made the following appointments to the Assembly Legislative Ethics Committee:

Assemblymember Paul Krekorian, Co-Chair
Assemblymember Bill Emmerson, Co-Chair
Assemblymember Martin Garrick
Assemblymember Jeff Miller
Assemblymember John A. Pérez
Assemblymember Lori Saldaña

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>
1	Ed.
2	Health
3	U. & C. and Nat. Res.
4	Jud. and Appr.
5	Jud.
7	E. & R.
8	Ed.
9	E. & R.
10	E. & R.
12	Hum. S.
13	W.,P. & W.
14	Pub. S.
15	Rev. & Tax. and L. Gov.
16	Pub. S.
17	Pub. S.
18	E. & R. and L. Gov.
19	Nat. Res.
20	Higher Ed. and B. & P.
21	Agri. and E.S. & T.M.
22	Pub. S.
24	Higher Ed.
26	B. & P.
27	Pub. S.
28	Nat. Res. and L. Gov.
29	Health
30	E. & R.
31	J., E.D. & E.
32	E. & R.
33	B. & F and B. & P.
37	Higher Ed.

38	-----	Higher Ed. and V.A.
40	-----	U. & C.
41	-----	Ins.
42	-----	U. & C. and Nat. Res.
43	-----	Ins.
44	-----	U. & C.
46	-----	U. & C.
47	-----	Rev. & Tax.
48	-----	Higher Ed. and B. & P.
49	-----	W.,P. & W.
50	-----	Rev. & Tax. and L. Gov.
52	-----	Health
53	-----	P.E.,R. & S.S.
55	-----	W.,P. & W. and L. Gov.
56	-----	Health
57	-----	Health and Higher Ed.
58	-----	G.O. and Pub. S.
59	-----	G.O.
60	-----	Ed.
61	-----	Pub. S.
63	-----	B. & P.
64	-----	U. & C. and Nat. Res.
65	-----	P.E.,R. & S.S.
66	-----	Ed.
67	-----	B. & P. and Jud.
68	-----	Nat. Res.
69	-----	Higher Ed.
70	-----	Ed.
71	-----	Ed.
72	-----	Ed.
73	-----	Jud.
74	-----	W.,P. & W.
75	-----	Health
76	-----	Ins.
77	-----	Trans. and L. Gov.
78	-----	Higher Ed. and Ed.
79	-----	Rev. & Tax. and L. Gov.
80	-----	W.,P. & W.
81	-----	Ed.
82	-----	Hum. S. and Jud.
83	-----	Jud.
84	-----	E. & R.
86	-----	P.E.,R. & S.S.
87	-----	Nat. Res.
88	-----	P.E.,R. & S.S.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>	
1	-----	Jud. and Appr.
2	-----	Higher Ed.
3	-----	Rls.
5	-----	Rls.
8	-----	Rls.
12	-----	Trans.
13	-----	G.O.

- 14 ----- Nat. Res.
- 15 ----- Trans.
- 17 ----- Rls.

Assembly Joint

- | | |
|-----------------------|------------------|
| <i>Resolution No.</i> | <i>Committee</i> |
| 1 ----- | Ins. |
| 3 ----- | Nat. Res. |

House

- | | |
|-----------------------|------------------|
| <i>Resolution No.</i> | <i>Committee</i> |
| 4 ----- | Higher Ed. |
| 5 ----- | Jud. |

RECESS

By unanimous consent, at 9:53 a.m., Speaker Bass declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Saldaña introduced Margaret Mette, Regional Assistant Administrator, Sutter Medical Center, Dene Franklin, Coordinator, Sutter Health and Vascular Institute, Andrea Hull, American Heart Association, and Jennifer Halldorsen, American Heart Association.

Assembly Member Saldaña then presented a resolution to the guests designating February as “American Heart Month” to highlight heart disease as the leading cause of death for women.

RECONVENED

At 9:59 a.m., the Assembly reconvened.

Hon. Karen Bass, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: February 5, 2009

Mme. Speaker: Your Committee on Rules reports:

House Resolution No. 6

With the recommendation: Be adopted.

LIEU, Chair

Above resolution ordered to third reading.

HOUSE RESOLUTION NO. 6 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Garrick was granted unanimous consent to take up House Resolution No. 6, without reference to file, for purpose of consideration.

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

Resolution read.

Members Made Coauthors of House Resolution No. 6

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. 6.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Adams, Anderson, Arambula, Bass, Bill Berryhill, Tom Berryhill, Blakeslee, Block, Blumenfield, Buchanan, Calderon, Carter, Conway, Cook, DeVore, Duvall, Emmerson, Evans, Fletcher, Fong, Fuller, Gaines, Galgiani, Gilmore, Hagman, Harkey, Hill, Huber, Huffman, Jeffries, Knight, Lieu, Logue, Lowenthal, Ma, Miller, Nestande, Niello, Nielsen, Price, Ruskin, Salas, Saldaña, Silva, Smyth, Swanson, Torlakson, Tran, and Villines.

Request for Unanimous Consent

Assembly Member Garrick was granted unanimous consent to take up House Resolution No. 6, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of House Resolution No. 6, as Amended

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

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

AYES—75

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

NOES—None

Announcements

Speaker Bass announced the following session schedule:

Friday, February 6, 2009, Check-in Session, 6:30 a.m.–3 p.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.

Tuesday, February 10, 2009, Floor Session, at 12 noon.

ADJOURN IN MEMORY

Assembly Member Fong was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Donna Dale Fife of San Jose.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Gilmore was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Anne van Steyn of Elk Grove.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Adams was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James Miller of Crestline.

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 Melanie Roxanne Barnwell of Manteca.

Assembly Member Chesbro was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Jack A. Schaffer of Bayside and Geoffrey Perry Smith of Willits.

Assembly Member Huber was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joshua Martorana Hyde of Placerville.

VOTE ADDS

The following Assembly Member was granted unanimous consent to record his vote on the following item:

House Resolution No. 6: Anderson—Aye.

MOTION TO ADJOURN

At 10:37 a.m., Assembly Member Krekorian moved that the Assembly do now adjourn.

Assembly Member Blakeslee seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:38 a.m., Speaker Bass 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. 229—Charles Calderon. An act to amend Section 23051.7 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 230—Charles Calderon. An act to amend Section 17004 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 231—Huffman (Principal coauthor: Senator Pavley). An act to amend Section 38597 of, and to add Section 38597.5 to, the Health and Safety Code, relating to air pollution.

ASSEMBLY BILL NO. 232—Hill and Fletcher (Coauthor: Tran) (Coauthor: Senator DeSaulnier). An act to amend Section 24604 of, and to add Section 22336 to, the Education Code, relating to retirement.

ASSEMBLY BILL NO. 233—Smyth. An act to add Section 17239 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 234—Huffman. An act relating to energy.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 20—Bill Berryhill. Relative to the Sergeant Howard King Stevenson Memorial Highway.

AUTHOR'S AMENDMENTS

Committee on Judiciary

February 5, 2009

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

Assembly Bill No. 83

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

FEUER, Chair

ASSEMBLY BILL NO. 83—An act relating to personal liability.

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 Judiciary

February 5, 2009

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

House Resolution No. 5

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

FEUER, Chair

HOUSE RESOLUTION NO. 5—Relative to same-sex marriage.

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 Krekorian, the Assembly adjourned until 6:30 a.m., Friday, February 6, 2009, out of respect to the memory of Donna Dale Fife, on motion of Assembly Member Fong; out of respect to the memory of Anne van Steyn, on motion of Assembly Member Gilmore; out of respect to the memory of James Miller, on motion of Assembly Member Adams; out of respect to the memory of Melanie Roxanne Barnwell, on motion of Assembly Member Bill Berryhill; out of respect to the memory of Dr. Jack A. Schaffer and Geoffrey Perry Smith, on motion of Assembly Member Chesbro; and out of respect to the memory of Joshua Martorana Hyde, on motion of Assembly Member Huber.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

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AMENDMENTS CONSIDERED BY THE ASSEMBLY ON FEBRUARY 5, 2009

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

AB RN

83 0903937

HR RN

5 0900885

Daily Total: 2

Cumulative Total: 3

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