

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, February 8, 2010

ONE HUNDRED FIFTIETH SESSION DAY

FOUR HUNDRED THIRTY-FIFTH 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
Monday, February 8, 2010

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 Timothy Morland reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Cook moved a quorum call of the Assembly.

Motion carried. Time, 12:01 p.m.

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

Quorum Present

At 12:15 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—75:

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

PRAYER

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

Lord, Your blessings are the basis of our liberty, our prosperity and our survival as a nation. All of us, as an expression of our faith call upon you through our prayers for wisdom, guidance and salvation. Help us to maintain our focus on you as we tend to our work today and inspire us to even greater faith in you.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Saldaña, Assembly Member Yamada 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 Ma, 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 John A. Pérez.

On personal business, and waiving per diem: Assembly Member DeVore.

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:

February 5, 2010

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

Dear Mme. Speaker,

This letter is to respectfully request an excuse from session on Monday, February 8. I will be in the district for legislative business with the Governor.

If you have you have any questions, please call Michael Madriaga at 319-2033.

Sincerely,

SAM BLAKESLEE, Assembly Member
Thirty-third District

February 8, 2010

*The Honorable Speaker Bass
State Capitol
Sacramento, California*

Dear Speaker Bass: I am writing to respectfully request to miss Session on February 8, 2010 for legislative business.

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 communication was presented by the Speaker, and ordered printed in the Journal:

February 8, 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 Bonnie Lowenthal to the Select Committee on Re-Entry for the 2009–10 Regular Session.

Sincerely,

KAREN BASS
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Jobs, Economic Development, and the Economy, Wednesday, February 17, 2010, at 9 a.m., in Room 127;

Select Committee on Re-Entry, Thursday, March 18, 2010, at 11 a.m., or upon adjournment of Floor Session, in Room 4202.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 8, 2010

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

Assembly Bill No. 1601

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

REQUEST FOR PHOTOGRAPHER

Assembly Members Lieu and Cook were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Lieu 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.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Ma announced that the Committee on Housing and Community Development would meet today in Room 447 instead of Room 126.

JOINT RULE 62(a) SUSPENDED

Assembly Member Ma was granted unanimous consent that the Committee on Rules be permitted to hold a special meeting on Tuesday, February 9, 2010, at 2:30 p.m., in Room 126, and that Joint Rule 62(a) be suspended.

SPECIAL RECOGNITION

Assembly Member Hagman acknowledged the Boy Scouts of America on the occasion of the organization's 100th Anniversary.

RECESS

By unanimous consent, at 12:21 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Cook, Colonel, United States Marine Corps, (Ret.) presented Assembly Member Ted Lieu, who was promoted to the rank of Lieutenant Colonel, United States Air Force Reserves today. Colonel Cook presided over the pinning on of rank ceremony earlier today with Major General Bruce Casella, United States Army Reserves. Lieutenant Colonel Lieu's wife, Betty Chim, and sons, Brennan and Austin Lieu, were introduced to the Body by Colonel Cook.

Lieutenant Colonel Lieu addressed the assemblage and introduced Major General Bruce Casella, United States Army Reserves, Dean Galarnau, Los Angeles County Deputy Sheriff, and Floyd Hayhurst, Vice President, Association for Los Angeles Deputy Sheriffs.

Colonel Cook recognized Lieutenant Colonel Lieu's extraordinary achievements in the Air Force and as a prosecutor in the Judge Advocate General's Corps and thanked him for his dedicated service to the United States of America.

RECONVENED

At 12:24 p.m., the Assembly reconvened.

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

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS
CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY CONCURRENT RESOLUTION NO. 96 (Hayashi)—Relative to Korean-American Day.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments.

Above resolution ordered enrolled.

THIRD READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 100 (Jones)—Relative to teen dating violence.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced the following session schedule:

Tuesday, February 9, 2010, Check-in Session, 7 a.m.–3 p.m.

Wednesday, February 10, 2010, Check-in Session, 7 a.m.–3 p.m.

Thursday, February 11, 2010, Floor Session, 9:30 a.m.

Friday, February 12, 2010, Check-in Session, 7 a.m.–3 p.m.

Monday, February 15, 2010, Holiday in observance of Presidents' Day.

ADJOURN IN MEMORY

Assembly Member Salas was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ernest Cardoza of Spring Valley.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Villines and Tom Berryhill were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ethie Radanovich of Mariposa.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

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 Gray Berg and Walter Furman of La Cañada.

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 Travis Ryan Kirchgatter of Manteca.

Assembly Member Tom Berryhill was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Louis Joseph Nassraway of Garner Valley.

MOTION TO ADJOURN

At 12:40 p.m., Assembly Ma moved that the Assembly do now adjourn.

Assembly Member Smyth seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:40 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. 1739—Lieu. An act to add Section 31720.4 to the Government Code, relating to county employees' retirement.

ASSEMBLY BILL NO. 1740—Jeffries. An act to amend Section 44017.4 of the Health and Safety Code, and to amend Section 4750.1 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1741—Coto. An act to amend, repeal, and add Sections 51225.3 and 51224.5 of, and to add Section 51224.7 to, the Education Code, relating to high school graduation requirements.

ASSEMBLY BILL NO. 1742—Coto. An act to add Section 1021.11 to the Code of Civil Procedure, relating to attorneys' fees.

ASSEMBLY BILL NO. 1743—Hernandez (Principal coauthor: Lieu) (Coauthors: Block, Blumenfield, Buchanan, Ma, Portantino, Saldaña, and Audra Strickland) (Coauthor: Senator Correa). An act to amend Sections 7513.8 and 82002 of, and to add Sections 7513.86 and 7513.87 to, the Government Code, relating to the Political Reform Act of 1974.

ASSEMBLY BILL NO. 1744—Portantino. An act to amend Section 706.011 of the Code of Civil Procedures, relating to earnings withholding orders.

ASSEMBLY BILL NO. 1745—Ammiano. An act to repeal and add Section 103692 of the Health and Safety Code, relating to vital records.

ASSEMBLY BILL NO. 1746—Emmerson. An act to amend Section 5600 of, and to add Section 5600.05 to, the Business and Professions Code, relating to architects.

ASSEMBLY BILL NO. 1747—Galgiani. An act to amend Section 185036 of the Public Utilities Code, relating to high-speed rail.

ASSEMBLY BILL NO. 1748—Hill. An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 1749—Bonnie Lowenthal and Audra Strickland. An act to amend Section 8547.2 of the Government Code, relating to whistleblower protection.

ASSEMBLY BILL NO. 1750—Hagman. An act to amend Section 23396.1 of the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 1751—Ammiano. An act to amend Sections 667 and 1170.12 of the Penal Code, relating to sentencing.

ASSEMBLY BILL NO. 1752—Villines. An act to amend Section 1257 of the Health and Safety Code, relating to health facilities.

ASSEMBLY BILL NO. 1753—Hall. An act to amend Sections 330a, 330b, and 330.1 of the Penal Code, relating to slot machines

ASSEMBLY BILL NO. 1754—Swanson. An act relating to instructional materials.

ASSEMBLY BILL NO. 1755—Swanson. An act to amend Sections 5898.12, 5898.14, 5898.20, 5898.21, and 5898.22 of the Streets and Highways Code, relating to contractual assessments.

ASSEMBLY BILL NO. 1756—Swanson. An act to amend Section 7115 of the Government Code, relating to economic development.

ASSEMBLY BILL NO. 1757—Monning (Coauthor: Caballero). An act to amend Sections 1450, 1451, 1453, 1454, 1455, 1456, and 1457 of, and to add Sections 1450.1 and 1450.2 to, the Military and Veterans Code, relating to veterans.

ASSEMBLY BILL NO. 1758—Ammiano. An act to amend Sections 18250, 18251, 18253, 18253.5, 18254, 18255, and 18256.5 of, to amend the heading of Chapter 4 (commencing with Section 18250) of Part 6 of Division 9 of, to add Section 18258 to, and to repeal and add Section 18256 of, the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 1759—Blumenfield. An act to amend Section 1374.20 of the Health and Safety Code, and to amend Section 10199.48 of the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 1760—Blumenfield. An act to add and repeal Article 6.5 (commencing with Section 217) of Chapter 1 of Division 1 of the Streets and Highways Code, relating to transportation.

ASSEMBLY BILL NO. 1761—Fong. An act to amend Section 69435 of the Education Code, relating to student financial aid.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 118—Smyth (Coauthor: Nava) (Coauthors: Senators Florez and Strickland). Relative to Spay Day USA 2010.

ASSEMBLY CONCURRENT RESOLUTION NO. 119—Garrick. Relative to Boy Scouts of America.

HOUSE RESOLUTION NO. 23—Monning. Relative to pesticides.

MESSAGES FROM THE SENATE

February 8, 2010

*The Honorable E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Senate Bill 88 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

Above bill ordered held at Desk.

INTRODUCTION OF GUESTS

Assembly Member Nielsen, of the 2nd Assembly District, introduced students and parents from West Valley Baptist School from Woodland.

Assembly Member Ammiano, of the 13th Assembly District, introduced Guliana Milanese and Victor Valdiviezo.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Ma, the Assembly adjourned until 7 a.m., Tuesday, February 9, 2010, out of respect to the memory of Ernest Cardoza, on motion of Assembly Member Salas; out of respect to the memory of Ethie Radanovich, on motion of Assembly Members Villines and Tom Berryhill; out of respect to the memory of Gray Berg and Walter Furman, on motion of Assembly Member Portantino; out of respect to the memory of Travis Ryan Kirchgatter, on motion of Assembly Member Bill Berryhill; and out of respect to the memory of Louis Joseph Nassraway, on motion of Assembly Member Tom Berryhill.

KAREN BASS, Speaker

AMY LEACH, Minute Clerk

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