

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 10, 2009
TWENTY-FIFTH SESSION DAY
SEVENTY-SECOND 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
Tuesday, February 10, 2009

The Assembly met at 12:01 p.m.
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 Silva 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 12:11 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—77:

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

PRAYER

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

Lord, Help us today to take inventory of our thoughts, our attitudes and our actions. Show us any area of our life that needs adjusting. When we keep an open and humble heart before You, and diligently follow your commands, You will hear our prayers and answer them. Thank you, Lord, for your joy and peace and for providing for us. Search our heart and know us, so that we can live a life that is pleasing to You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Saldaña, Assembly Member Nestande 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 Nestande.

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 Member Gilmore.

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

Because of illness in his family: Assembly Member Beall.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was 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,

I would like to be excused from Check-In Session on Tuesday, February 10 and Wednesday, February 11, 2009 for legislative business. I plan to attend the Tulare Ag Show, meeting with farmers and leaders in the Ag industry.

Thank you kindly for your consideration.

Sincerely,

DANNY D. GILMORE, Assembly Member
Thirtieth District

COMMUNICATIONS

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

February 6, 2009

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

RE: Appointment to Legislative Task Force on
Peripheral Neuropathy

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Mary Hayashi, Assemblymember Dave Jones, Assemblymember Edward Hernandez, Dr. Robert Popovian, Mr. Dominick Spataforo and Ms. Beverly Anderson to the Legislative Task Force on Peripheral Neuropathy. These are pleasure appointments starting February 6, 2009.

Sincerely,

KAREN BASS
Speaker of the Assembly

February 6, 2009

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

RE: Appointment of Marty Block to California Public Library
Construction and Renovation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Marty Block to the California Public Library Construction and Renovation Board. This is a pleasure appointment starting February 6, 2009.

Sincerely,

KAREN BASS
Speaker of the Assembly

February 10, 2009

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

Dear Dotson: Attached please find the Schedule of Assembly Standing Committees and Subcommittees for the 2009–10 Regular Session.

Sincerely,

KAREN BASS
Speaker of the Assembly

**SCHEDULE OF 2009-10
ASSEMBLY STANDING COMMITTEE MEETINGS**

(see next page for subcommittee schedules)

MONDAY

<i>Time</i>	<i>Room</i>	<i>Committee</i>
4:00 p.m.**	444	Banking and Finance
1:30 p.m.*	447	Natural Resources
1:30 p.m.*	126	Revenue and Taxation
!*	3162	Rules
1:30 p.m.*	4202	Transportation
3:00 p.m.*	437	Utilities and Commerce

TUESDAY

<i>Time</i>	<i>Room</i>	<i>Committee</i>
2:00 p.m.**	127	Aging and Long-Term Care
9:00 a.m.**	437	Arts, Entertainment, Sports, Tourism and Internet Media
9:00 a.m.*	447	Business and Professions
1:30 p.m.**	444	Elections and Redistricting
1:30 p.m.***	444	Environmental Safety and Toxic Materials
1:30 p.m.*	4202	Health
1:30 p.m.**	437	Higher Education
1:30 p.m.***	437	Human Services
9:00 a.m.**	127	Jobs, Economic Development, and the Economy
9:00 a.m.*	4202	Judiciary
9:00 a.m.*	126	Public Safety
4:00 p.m.***	126	Veterans Affairs
9:00 a.m.***	437	Water, Parks and Wildlife

WEDNESDAY

<i>Time</i>	<i>Room</i>	<i>Committee</i>
1:30 p.m.***	126	Agriculture
9:00 a.m.*	4202	Appropriations
!	4202	Budget
1:30 p.m.**	126	Education
1:30 p.m.***	4202	Education
1:30 p.m.**	4202	Governmental Organization
9:00 a.m.***	126	Housing and Community Development
9:00 a.m.**	437	Insurance
1:30 p.m.**	447	Labor and Employment
1:30 p.m.***	447	Local Government
9:00 a.m.**	444	Public Employees, Retirement and Social Security
9:00 a.m.**	437	Accountability and Administrative Review

* Meets every week.

** Meets 1st and 3rd week of month as called at time indicated.

*** Meets 2nd and 4th week of the month as called at time indicated.

! Upon call of the Chair.

SCHEDULE OF 2009–10 SUBCOMMITTEES

BUDGET

MONDAY

<i>Time</i>	<i>Room</i>	<i>Committee</i>
4:00 p.m.*	127.....	Subcommittee No. 1—Health and Human Services

TUESDAY

<i>Time</i>	<i>Room</i>	<i>Committee</i>
9:00 a.m.*	444.....	Subcommittee No. 2—Education Finance
1:30 p.m.*	447.....	Subcommittee No. 4—State Administration

WEDNESDAY

<i>Time</i>	<i>Room</i>	<i>Committee</i>
1:30 p.m.*	444.....	Subcommittee No. 1—Health and Human Services
4:00 p.m.*	126.....	Subcommittee No. 2—Education Finance
8:30 a.m.*	447.....	Subcommittee No. 3—Resources
1:30 p.m.*	437.....	Subcommittee No. 4—State Administration
4:00 p.m.*	127.....	Subcommittee No. 5—Information Technology/Transportation

* Meets every week.

*** Meets 2nd and 4th week of the month as called at time indicated.

SPECIAL COMMITTEE MEETINGS

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

Health to hold an informational hearing on Tuesday, February 17, 2009, at 1:30 p.m.;

Health to hold an informational hearing, on Tuesday, February 24, 2009, at 1:30 p.m.;

Environmental Safety and Toxic Materials to hold a joint informational hearing with the Committee on Health, on Tuesday, February 24, 2009, at 9:30 a.m.;

Water, Parks and Wildlife to hold an informational hearing on Tuesday, February 24, 2009;

Elections and Redistricting to hold a joint informational hearing with the Senate Committee on Elections, Reapportionment and Constitutional Amendments, on Wednesday, February 25, 2009, at 10 a.m.;

Health to hold an informational hearing, on Tuesday, March 3, 2009, in Room 4202;

Transportation to hold an informational hearing, on Monday, March 9, 2009, at 1:30 p.m., in Room 4202;

Health to hold an informational hearing, on Tuesday, March 10, 2009, at 1:30 p.m.;

Water, Parks and Wildlife to hold an informational hearing, on Tuesday, March 10, 2009, at 9 a.m.;

Budget Subcommittee No. 1 on Health and Human Services to hold an informational hearing, on Wednesday, February 25, 2009, at 9 a.m., in Room 4202; and

Budget Subcommittee No. 3 on Resources and Budget Subcommittee No. 5 to convene jointly, on Wednesday, February 25, 2009, at 9 a.m., in Room 447.

RE-REFERENCE OF BILLS

Assembly Member Torrico was granted unanimous consent that Assembly Bills Nos. 15, 50, and 79 be re-referred from the Committee on Revenue and Taxation to the Committee on Local Government, and then to be returned to the Committee on Revenue and Taxation.

ADJOURN IN MEMORY

Assembly Member Conway was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jennifer McCoun of Tulare.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Harkey and Tran were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Valerie Brooks of Laguna Niguel.

(Assembly Rule 45.5 suspended.)

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 Koob Vang of Stockton.

Assembly Member Brownley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Milt McAuley of Canoga Park.

Assembly Member Jeffries was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Millie Bigelow of Murrieta and Christopher Wainwright of Temecula.

Assembly Member Nielsen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ernest F. Winters of Portmarnock, Ireland.

ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced the following session schedule:

Wednesday, February 11, 2009, Check-in Session, 7 a.m.–3 p.m. and Floor Session, upon Call of the Speaker;

Thursday, February 12, 2009, Check-in Session, 7 a.m.–3 p.m. and Floor Session, upon Call of the Speaker;

Friday, February 13, 2009, Floor Session, 9:30 a.m.

CAUCUS ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced that the Democratic Caucus would meet in the Assembly Lounge, upon adjournment of Floor session.

MOTION TO ADJOURN

At 12:20 p.m., Assembly Member Krekorian moved that the Assembly do now adjourn.

Assembly Member Brownley seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:21 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. 240—Monning. An act to amend Sections 2 and 3 of Chapter 188 of the Statutes of 1999, relating to conveyances.

ASSEMBLY BILL NO. 241—Nava. An act to add Section 597.8 to the Penal Code, relating to animals.

ASSEMBLY BILL NO. 242—Nava. An act to amend Section 597.5 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 243—Nava. An act to amend Section 597.1 of, and to add Section 597.8 to, the Penal Code, relating to animal abuse.

ASSEMBLY BILL NO. 244—Beall (Principal coauthor: Chesbro). An act to add Section 22856 to the Government Code, to add Section 1374.74 to the Health and Safety Code, and to add Section 10144.8 to the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 245—Ma. An act to amend Section 2027 of the Business and Professions Code, relating to physicians and surgeons.

ASSEMBLY BILL NO. 246—Price. An act to add Section 19597.5 to the Business and Professions Code, relating to horse racing.

ASSEMBLY BILL NO. 247—Emmerson. An act to amend Section 11170 of the Penal Code, relating to child abuse.

ASSEMBLY BILL NO. 248—Bonnie Lowenthal. An act to amend Section 71205 of, and to amend the heading of Division 36 (commencing with Section 71200) of, the Public Resources Code, relating to ballast water management.

ASSEMBLY BILL NO. 249—Carter. An act to amend Section 1289.4 of, and to add Section 1289.6 to, the Health and Safety Code, relating to health facilities.

ASSEMBLY BILL NO. 250—Miller. An act to amend Section 1382 of the Penal Code, relating to criminal procedure.

ASSEMBLY BILL NO. 251—Knight. An act to amend Section 130051 of the Public Utilities Code, relating to transportation.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 22—Mendoza. Relative to Read Across America Day.

AUTHOR'S AMENDMENTS Committee on Banking and Finance

February 10, 2009

Mme. Speaker: The Chair of your Committee on Banking and Finance reports:
Assembly Bill No. 33

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

NAVA, Chair

ASSEMBLY BILL NO. 33—An act relating to financial transactions.

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.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Krekorian the Assembly adjourned until 7 a.m., Wednesday, February 11, 2009, out of respect to the memory of Jennifer McCoun, on motion of Assembly Member Conway; out of respect to the memory of Valerie Brooks, on motion of Assembly Members Harkey and Tran; out of respect to the memory of Koob Vang, on motion of Assembly Member Bill Berryhill; out of respect to the memory of Milt McAuley, on motion of Assembly Member Brownley; out of respect to the memory of Millie Bigelow and Christopher Wainwright, on motion of Assembly Member Jeffries; and out of respect to the memory of Ernest F. Winters, on motion of Assembly Member Nielsen.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 10, 2009**

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

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33 0903259

Daily Total: 1

Cumulative Total: 4

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