

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, February 12, 2010

**ONE HUNDRED FIFTY-FOURTH SESSION DAY
FOUR HUNDRED THIRTY-NINTH 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
Friday, February 12, 2010

The Assembly met at 6:30 a.m.
Hon. William W. Monning, Assembly Member, 27th District,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Timothy Morland reading.

ROLL CALL

The following were placed upon the morning roll call—49:

Ammiano	DeVore	Jeffries	Salas
Anderson	Emmerson	Knight	Saldaña
Arambula	Evans	Logue	Silva
Berryhill, Tom	Feuer	Lowenthal	Solorio
Blakeslee	Fletcher	Ma	Strickland
Bradford	Fong	Mendoza	Swanson
Brownley	Fuentes	Monning	Torlakson
Chesbro	Furutani	Nestande	Torrico
Conway	Gaines	Niello	Tran
Cook	Hagman	Nielsen	Yamada
Coto	Hill	Norby	
Davis	Huber	Pérez, V. Manuel	
De León	Huffman	Ruskin	

Quorum present.

At 11:06 a.m., Hon. Connie Conway, 34th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

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 Adams, Bass, Beall, Bill Berryhill, Block, Blumenfeld, Buchanan, Caballero, Calderon, De La Torre, Eng, Fuller, Galgiani, Hall, Hayashi, Hernandez, Miller, John A. Pérez, Portantino, Skinner, Smyth, Torres, and Villines.

On legislative business, per diem waived for the 2009–2010 Session (See Assembly Journal, pages 59 and 78): Assembly Member Jones.

On personal business, and waiving per diem: Assembly Members Garrick, Harkey, Lieu, and Nava.

Because of illness: Assembly Members Carter and Gilmore.

EXPLANATIONS OF ABSENCE

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

Friday, February 12, 2010

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

Dear Mme. Speaker: I respectfully request authorization to be absent from check-in session Friday, February 12, 2010 due to legislative business.

Thank you for your consideration of my request and if you have any questions you can contact Kelly Shaw at 319-2059.

Sincerely,

ANTHONY ADAMS, Assembly Member
Fifty-ninth District

February 5, 2010

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

Dear Dotson: This is to advise you that I will not be in attendance for Session on Friday, February 12, 2010 due to legislative business.

Sincerely,

KAREN BASS
Speaker of the Assembly

January 26, 2010

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

Dear Mme. Speaker: I respectfully request to be excused from the Assembly Check-In Session on Friday February 12, 2010. 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

February 8, 2010

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

Dear Mme. Speaker: The purpose of this letter is to request to be excused from Session on Friday, February 12, 2010 due to legislative business in my district.

Thank you for your consideration of this request.

Respectfully yours,

BILL BERRYHILL, Assembly Member
Twenty-sixth District

December 3, 2009

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

Dear Mme. Speaker: I respectfully request permission to be excused from check-in session on Friday, February 12, so that I may be present for legislative business in my district during the day of February 12.

Thank you for your assistance. Please contact my scheduler, Monica Hatley, at (916) 319-2078 if you have any questions.

Sincerely,

MARTY BLOCK, Assembly Member
Seventy-eighth District

February 4, 2010

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

Dear Mme. Speaker: I am requesting to be excused from Check-In Session on Friday, February 12, 2010 due to legislative business in my district.

Thank you for your consideration of this request. Please contact me at 319-2040 should you have any questions.

Sincerely,

BOB BLUMENFIELD, Assembly Member
Fortieth District

February 10, 2009

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

Dear Mme. Speaker: I respectfully request permission to be excused from check-in session on February 12, 2010 due to legislative work in my district.

Thank you for your assistance. Please contact my Scheduler, Colleen Haley at (916) 319-2015 should any questions arise.

Sincerely,

JOAN BUCHANAN, Assembly Member
Fifteenth District

February 4, 2010

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

Dear Speaker Bass: I am requesting to be excused from Check-In Session on Friday, February 12, 2010, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

ANNA M. CABALLERO, Assembly Member
Twenty-eighth District

February 8, 2010

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

Dear Mme. Speaker: I respectfully request to be excused from Check-in Session on Friday, February 12, 2010, due to legislative business.

Thank you for your consideration of this request.

Sincerely,

CHARLES M. CALDERON, Assembly Member
Fifty-eighth District

February 4, 2010

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

Dear Mme. Speaker: The purpose of this letter is to respectfully request to be excused from check-in session for legislative business, on Friday, February 12, 2010.

I am thanking you in advance for your consideration of this request. If you have any questions or require additional information, please do not hesitate to contact my Chief of Staff, Juan Carlos Torres, at (916) 319-2050.

Sincerely,

HECTOR DE LA TORRE, Assembly Member
Fiftieth District

January 13, 2010

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

Dear Speaker Bass: I respectfully request to be excused from Check-In Session on Friday, February 12, 2010 so that I may attend to legislative business in my district.

Thank you for your consideration of this matter. Should you have any questions or concerns regarding this request, please feel free to contact either myself or my chief of staff, Julio Martinez, at 916-319-2049.

Kind Regards,

MIKE ENG, Assembly Member
Forty-ninth District

February 11, 2010

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

Mme. Speaker,

Please excuse me from Check in Session on Friday, February 12, 2010, as I will be attending to legislative business in the 32nd Assembly District.

Thank you for your consideration in this matter.

Sincerely,

JEAN FULLER, Assembly Member
Thirty-second District

February 11, 2010

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

Dear Speaker Bass: I would like to request that I be excused from Legislative Check-In Session on Friday, February 12, 2010, as I will be in Los Angeles on legislative business attending the American Public Transportation Association's "High-Speed Rail in the United States" seminar. This seminar will focus on best practices and lessons learned from European and Asian systems, and as the author of AB 3034 (Chapter 267, Statutes of 2008) which placed the High-Speed Rail Bond Act (Proposition 1A) on the ballot, I will be gathering valuable information necessary towards implementing a high speed train in California.

If you have any questions, please contact Victoria Grajek of my staff at 319-2017.

Thank you.

Sincerely,

CATHLEEN GALGIANI, Assembly Member
Seventeenth District

February 8, 2010

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

Dear Speaker Bass: I am writing to respectfully request to be excused from check-in session on Friday, February 12, 2010, to attend legislative business in my district.

Thank you for your prompt attention to this matter.

Sincerely,

ISADORE HALL III, Assembly Member
Fifty-second District

February 9, 2010

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

Dear Mme. Speaker: I respectfully write to request permission to be excused from Check-In Session Friday, February 12, 2010 for the purpose of conducting legislative business in the District.

Thank you for your assistance in this matter. If you have questions or need more information, please do not hesitate to contact me or to have your designated staff person contact Sandy King at (916) 319-2018.

Sincerely,

MARY HAYASHI, Assembly Member
Eighteenth District

February 5, 2010

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

Dear Speaker Bass: I am writing to respectfully request permission to be excused from Check-in Session on Friday, February 12, 2010. I have legislative business in my district.

If you have any questions, please do not hesitate to contact Maria Lerma in my Capitol Office at (916) 319-2057. Your consideration of this request is greatly appreciated.

Sincerely,

ED HERNANDEZ, O.D., Assembly Member
Fifty-seventh District

February 12, 2010

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

Dear Mme. Speaker: Please excuse me from check-in session on Friday, February 12, 2010. I will be on legislative business. I do not take per diem.

Sincerely,

DAVE JONES, Assembly Member
Ninth District

February 5, 2010

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

Dear Mme. Speaker: I respectfully request to be excused from Check-In session on Friday, February 12, 2010 due to legislative business in my district.

Please contact Johannes Escudero in my Capitol office with any questions or concerns. Thank you for your consideration of this request.

Sincerely,

JEFF MILLER, Assembly Member
Seventy-first District

February 1, 2010

*Speaker Karen Bass
State Capitol
Sacramento, California*

Dear Speaker Bass: I am writing to respectfully ask to be excused from check-in session on February 12, 2010. I will be in San Francisco 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

January 19, 2010

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

Dear Mme. Speaker: I respectfully request to be excused from legislative Check in Session on Friday, February 12, 2010 due to district business. If you have questions please contact, Michelle Morris-Battle in my office 916-319-2044.

Thank you for your consideration of this request.

Sincerely,

ANTHONY J. PORTANTINO, Assembly Member
Fourth District

February 3, 2010

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

Dear Mme. Speaker: I respectfully request permission to be excused from Check-In Session on Friday, February 12, 2010 for legislative business.

Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

NANCY SKINNER, Assembly Member
Fourteenth District

February 8, 2010

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

Dear Mme. Speaker: Please excuse me from check-in session on Friday, February 12, 2010 due to legislative business in my district.

Should you have any questions, please contact Donda Scholl in my office at 319-2038.

Thank you for your attention to this matter.

Sincerely,

CAMERON M. SMYTH, Assembly Member
Thirty-eighth District

February 12, 2010

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

Dear Speaker Bass: Your consideration is respectfully requested to be excused from check-in session on legislative business on Friday, February 12, 2010.

Thank you for your consideration.

Sincerely,

NORMA J. TORRES, Assembly Member
Sixty-first District

February 8, 2010

*Hon. Karen Bass
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mme. Speaker: I respectfully request to be excused from check-in Session on February 12, 2010 for legislative business in my district. Your consideration of this request is greatly appreciated. If you have any questions please do not hesitate to contact me.

Most Sincerely,

MICHAEL N. VILLINES, Assembly Member
Twenty-ninth District

COMMUNICATIONS

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

February 8, 2010

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

RE: Appointment of Marie Lemelle
to State Board of Barbering and Cosmetology

Dear Mr. Wilson: Please be advised I have appointed Ms. Marie Lemelle to the State Board of Barbering and Cosmetology. This is a term appointment starting February 8, 2010 and the expiration date is January 1, 2011.

Sincerely,

KAREN BASS
Speaker of the Assembly

February 9, 2010

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

RE: Appointment of Jon Vein
to Regents Selection Advisory Committee

Dear Mr. Wilson: Please be advised I have appointed Mr. Jon Vein to the Regents Selection Advisory Committee. This is a term appointment starting February 9, 2010 and the expiration date is November 6, 2012. Mr. Vein will be replacing Ms. Tyree Wieder.

Sincerely,

KAREN BASS
Speaker of the Assembly

February 11, 2010

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

RE: Appointment of Joan Buchanan
to State Allocation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Joan Buchanan to the State Allocation Board for February 24, 2010 only. Assemblymember Buchanan will be replacing Assemblymember Tom Torlakson.

Sincerely,

KAREN BASS
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 12, 2010

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

Assembly Bill No. 1588

Assembly Bill No. 1646

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, February 12, 2010

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

Assembly Concurrent Resolution No. 108

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

SPECIAL COMMITTEE MEETINGS

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

Health, Tuesday, March 2, 2010, at 1:30 p.m., in Room 4202;

Labor and Employment to meet jointly with the Senate Labor and Industrial Relations Committee, Wednesday, March 10, 2010, at 9:30 a.m., in Room 3191.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1833—Logue and Garrick. An act to add Section 11346.31 to the Government Code, relating to regulations.

ASSEMBLY BILL NO. 1834—Solorio. An act to add Section 10540.1 to the Water Code, relating to stormwater.

ASSEMBLY BILL NO. 1835—Logue. An act to add Section 17211 to the Business and Professions Code, relating to business.

ASSEMBLY BILL NO. 1836—Furutani. An act to amend Section 6390 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 1837—Gaines. An act to amend Section 700 of the Insurance Code, relating to insurance.

ASSEMBLY BILL NO. 1838—Bill Berryhill. An act to add and repeal Sections 3485.5 and 3486.5 of the Civil Code, relating to unlawful detainer.

ASSEMBLY BILL NO. 1839—Torrico. An act to add Section 38006 to the Education Code, and to add Section 10752.3 to the Revenue and Taxation Code, relating to schools.

ASSEMBLY BILL NO. 1840—Tom Berryhill. An act to amend Section 14002 of the Financial Code, relating to credit unions.

ASSEMBLY BILL NO. 1841—Buchanan. An act to amend Section 56346 of the Education Code, relating to special education.

ASSEMBLY BILL NO. 1842—Gilmore. An act to amend Section 186.26 of the Penal Code, relating to gangs.

ASSEMBLY BILL NO. 1843—Gilmore. An act relating to water.

ASSEMBLY BILL NO. 1844—Gilmore. An act to add Section 2819 to the Penal Code, relating to inmates.

ASSEMBLY BILL NO. 1845—Gilmore. An act to amend Section 21462 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1846—V. Manuel Pérez. An act to amend Sections 21159 and 21159.1 of the Public Resources Code, relating to the environment.

ASSEMBLY BILL NO. 1847—Furutani. An act to amend Section 1214 of the Penal Code, relating to criminal procedure.

ASSEMBLY BILL NO. 1848—Garrick. An act to add Section 466.65 to the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 1849—Norby. An act to amend Section 96.15 of the Revenue and Taxation Code, relating to local government finance.

ASSEMBLY BILL NO. 1850—Galgiani. An act to amend Sections 290.012, 290.014, 290.015, 1202.8, and 3000.07 of, and to add Section 290.09 to, the Penal Code, relating to sex offenders.

ASSEMBLY BILL NO. 1851—Norby. An act to amend Section 42238.1 of the Education Code, relating to education finance.

ASSEMBLY BILL NO. 1852—Portantino (Coauthors: Ammiano, Carter, Gilmore, Ruskin, and Villines). An act to amend Sections 358.1, 360, and 16206 of the Welfare and Institutions Code, relating to dependent children.

ASSEMBLY BILL NO. 1853—Huffman. An act to add Chapter 2.3 (commencing with Section 2030) to Part 1 of Division 2 of the Public Contract Code, relating to public contracts.

ASSEMBLY BILL NO. 1854—Ammiano. An act to amend Section 5840.2 of the Welfare and Institutions Code, relating to mental health.

ASSEMBLY BILL NO. 1855—Yamada. An act to amend Section 22511.55 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1856—Fong. An act to amend Section 21032 of the Government Code, relating to public employees' retirement.

ASSEMBLY BILL NO. 1857—Cook. An act to amend Section 19596.2 of the Business and Professions Code, relating to horse racing.

ASSEMBLY BILL NO. 1858—Blumenfield (Coauthor: Monning). An act to amend Section 4148 of, and to repeal Section 4140 of, the Business and Professions Code, and to amend Sections 11364, 121349, 121349.1, 121349.2, and 121349.3 of, and to add Section 121349.4 to, the Health and Safety Code, relating to public health.

ASSEMBLY BILL NO. 1859—Norby. An act to amend Section 56744 of the Government Code, relating to local government.

ASSEMBLY BILL NO. 1860—Tom Berryhill (Coauthor: Villines). An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 1861—Villines. An act to amend Section 273a of the Penal Code, relating to child abuse.

ASSEMBLY BILL NO. 1862—Eng. An act to amend Section 22200 of the Education Code, relating to the Teachers' Retirement Board.

ASSEMBLY BILL NO. 1863—Gaines. An act to amend Section 41514.1 of the Health and Safety Code, relating to air pollution.

ASSEMBLY BILL NO. 1864—Audra Strickland and Galgiani. An act to amend Section 16531.1 of the Government Code, relating to Medi-Cal, and making an appropriation therefor.

ASSEMBLY BILL NO. 1865—Audra Strickland. An act to amend Section 50843.5 of the Health and Safety Code, relating to housing.

ASSEMBLY BILL NO. 1866—Audra Strickland. An act to add Section 11250.5 to the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 1867—Harkey. An act to amend Section 65583.1 of the Government Code, relating to land use.

ASSEMBLY BILL NO. 1868—Jones. An act to amend Section 10291.5 of, and to add Section 10116.2 to, the Insurance Code, relating to insurance.

ASSEMBLY BILL NO. 1869—Anderson. An act relating to pharmacy.

ASSEMBLY BILL NO. 1870—Norby. An act to amend Section 33671 of the Health and Safety Code, relating to redevelopment.

ASSEMBLY BILL NO. 1871—Jones. An act to add Section 11580.24 to the Insurance Code, relating to motor vehicle insurance coverage.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 122—Logue. Relative to the Eric W. Rood Memorial Expressway.

ASSEMBLY CONCURRENT RESOLUTION NO. 123—Chesbro. Relative to the California Memorial Project Remembrance Day.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 12 noon, Tuesday, February 16, 2010.

LORI SALDAÑA, Speaker pro Tempore

AMY LEACH, Minute Clerk