

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 18, 2009
THIRTY-FIRST SESSION DAY
EIGHTIETH 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
Wednesday, February 18, 2009

The Assembly met at 11 a.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 Fong 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.

RECESS

By unanimous consent, at 11:40 a.m., Speaker pro Tempore Saldaña
declared the Assembly recessed.

RECONVENED

At 11:02 p.m., the Assembly reconvened.
Hon. Lori Saldaña, Speaker pro Tempore of the Assembly, presiding.

Quorum Present

At 11:03 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—80:

Adams	De La Torre	Hayashi	Pérez, John
Ammiano	De León	Hernandez	Pérez, V. Manuel
Anderson	DeVore	Hill	Portantino
Arambula	Duvall	Huber	Price
Beall	Emmerson	Huffman	Ruskin
Berryhill, Bill	Eng	Jeffries	Salas
Berryhill, Tom	Evans	Jones	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	Mendoza	Torlakson
Carter	Galgiani	Miller	Torres
Chesbro	Garrick	Monning	Torrico
Conway	Gilmore	Nava	Tran
Cook	Hagman	Nestande	Villines
Coto	Hall	Niello	Yamada
Davis	Harkey	Nielsen	Mme. Speaker

SPECIAL COMMITTEE MEETINGS

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

Business and Professions to hold an informational hearing, on Tuesday, February 24, 2009, at 10 a.m., in Room 447;

Joint Legislative Audit Committee on Wednesday, March 4, 2009, at 9 a.m., in Room 126;

Veterans Affairs to hold an informational hearing on Tuesday, March 3, 2009, at 1 p.m.;

Natural Resources on Monday, March 9, 2009; and

Public Employees, Retirement and Social Security to convene jointly with the Senate Committee on Public Employment and Retirement on Wednesday, March 11, 2009, at 9 a.m., in Room 444.

REPORTS

The following reports were presented by the Chief Clerk:

**Kapiloff Land Bank Report
(Pursuant to Public Resources Code Section 8618)**

Above transmitted report, together with letter of transmittal from Paul D. Thayer, Executive Officer, California State Lands Commission, dated January 4, 2009, referred by the Speaker to the Committee on Natural Resources.

**2007/2008 Small Business/Disabled Veterans
Business Enterprise Report**

Above transmitted report, together with letter of transmittal from Marie Aubin-Vanacore, Manager, California Lottery Commission, dated December 31, 2008, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

Year-Round Operations in Instruction

Above transmitted report, together with letter of transmittal from Mark G. Yudof, President, University of California, dated December 22, 2008, referred by the Speaker to the Committee on Higher Education.

**Competitive Cal Grant Program
(Pursuant to Education Code Section 69437.7)**

Above transmitted report, together with letter of transmittal from Diana Fuentes-Michel, Executive Director, California Student Aid Commission, dated December 30, 2008, referred by the Speaker to the Committee on Higher Education.

**California Breast Cancer Research Program
(Pursuant to Revenue and Taxation Code Section 30461.6 and
Health and Safety Code Section 104145)**

Above transmitted report, together with letter of transmittal from Mark G. Yudof, President, University of California, dated December 19, 2008, referred by the Speaker to the Committee on Revenue and Taxation.

**2008 Annual Report to the Legislature
by the State Bar of California
(Pursuant to Business and Professions Code Section 6177)**

Above transmitted report, together with letter of transmittal from Anthony Williams, Director, Office of Governmental Affairs, State Bar of California, dated January 5, 2009, referred by the Speaker to the Committee on Judiciary.

**Report Regarding Sudan-Related Investments
(Pursuant to Government Code Section 7513.6)**

Above transmitted report, together with letter of transmittal from Jack Ehnes, Chief Executive Officer, California State Teachers' Retirement System, dated December 31, 2008, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Taxpayer Use and Administration of the Revised 540EZ Tax Form
(Pursuant to Senate Bill No. 1534, Chapter 844, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Mac Taylor, Legislative Analyst, Legislative Analyst's Office, dated January 5, 2009, referred by the Speaker to the Committee on Revenue and Taxation.

**Target Business Enterprise Program
2007–2008 Annual Report
(Pursuant to Government Code Section 16855)**

Above transmitted report, together with letter of transmittal from Paul Rosenstiel, Deputy Treasurer, Office of Treasurer, dated December 23, 2008, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**2008 Report on the Tobacco-Related Disease Research Program
(Pursuant to Health and Safety Code Section 104530)**

Above transmitted report, together with letter of transmittal from Mark G. Yudof, President, University of California, dated December 19, 2008, referred by the Speaker to the Committee on Budget.

**Approved Mandate Claims
January 1, 2008 through June 30, 2008
(Pursuant to Government Code Section 17600)**

Above transmitted report, together with letter of transmittal from Paula Higashi, Executive Director, the Commission on State Mandates, dated December 16, 2008, referred by the Speaker to the Committee on Appropriations.

**2008 Annual Report CalVet Insurance Plans
(Pursuant to Military and Veterans Code Section 989.7)**

Above transmitted report, together with letter of transmittal from Robert Brautigan, Undersecretary, Department of Veterans Affairs, dated December 29, 2008, referred by the Speaker to the Committee on Veterans Affairs.

**Final Report on the Veterans Affairs Consolidation of
The Veteran Homes Organization Codes
(Pursuant to Budget Act 2007, Item 8955-001-0001, Provision 4)**

Above transmitted report, together with letter of transmittal from Thomas Johnson, FACHE, Secretary, Department of Veterans Affairs, dated December 30, 2008, referred by the Speaker to the Committee on Veterans Affairs.

**2007 Report of Specific Information Relevant to
the State of California Salaries of Female-Dominated Classifications
(Pursuant to Government Code Section 19827.2 (b))**

Above transmitted report, together with letter of transmittal from David A. Gilb, Director, Department of Personnel Administration, dated December 19, 2008, stating availability of report at <http://www.dpa.ca.gov/salaries/surveys/2007/female-dominated-classifications/main.htm>, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**2009 Assessment of the Efficacy, Availability and Environmental Impacts of
Ballast Water Treatment Systems for Use in California Waters
(Pursuant to Public Resources Code Section 71205.3)**

Above transmitted report, together with letter of transmittal from Paul D. Thayer, Executive Officer, California State Lands Commission, dated December 29, 2008, referred by the Speaker to the Committee on Natural Resources.

**2007–08 Annual Report Regarding Fiscal Solvency
(Pursuant to Assembly Bill 2756, Chapter 52, Statutes of 2004)**

Above transmitted report, together with letter of transmittal from Dee Alarcón, Solano County Superintendent of Schools, Solano County Office of Education, dated December 22, 2008, referred by the Speaker to the Committee on Education.

**REAL ID Act for the Quarter Ending June 30, 2008
(Pursuant to Supplemental Language of the 2007 Budget Act)**

Above transmitted report, together with letter of transmittal from George Valverde, Director, Department of Motor Vehicles, dated December 30, 2008, referred by the Speaker to the Committee on Transportation.

**Report on Companies with Business Operations in Sudan
(Pursuant to Assembly Bill 2941, Chapter 442, Statutes of 2006)**

Above transmitted report, together with letter of transmittal from Danny Brown, Acting Chief, California Public Employees' Retirement System, dated December 31, 2008, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Report on Companies with Business Operations in Iran
(Pursuant to Assembly Bill 221, Chapter 671, Statutes of 2007)**

Above transmitted report, together with letter of transmittal from Danny Brown, Acting Chief, California Public Employees' Retirement System, dated December 31, 2008, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**2008 Report on Military and Overseas Faxed Ballots
(Pursuant to Elections Code Section 3103.5(b))**

Above transmitted report, together with letter of transmittal from Debra Bowen, Secretary of State, dated January 1, 2009, referred by the Speaker to the Committee on Elections and Redistricting.

**2008 Report on Student Voter Registration
(Pursuant to Elections Code Section 2146(d))**

Above transmitted report, together with letter of transmittal from Debra Bowen, Secretary of State, dated January 1, 2009, referred by the Speaker to the Committee on Elections and Redistricting.

**2008 Report Regarding Signature Stamps
(Pursuant to Elections Code Section 354.5)**

Above transmitted report, together with letter of transmittal from Debra Bowen, Secretary of State, dated January 1, 2009, referred by the Speaker to the Committee on Elections and Redistricting.

**Crisis Intervention for Persons with Developmental Disabilities
(Pursuant to Senate Bill 1038, Chapter 1043, Statutes of 1998)**

Above transmitted report, together with letter of transmittal from Terri Delgadillo, Director, Department of Developmental Services, dated December 23, 2008, referred by the Speaker to the Committee on Human Services.

**California School Paraprofessional Teacher Training Program
(Pursuant to Education Code Section 44393)**

Above transmitted report, together with letter of transmittal from Dale A. Janssen, Executive Director, the Commission on Teacher Credentialing, dated December 22, 2008, stating availability of report at <http://ctc.ca.gov/reports/default.html>, referred by the Speaker to the Committee on Education.

**The Arts and Music Block Grant Fiscal Year 2007–08
(Pursuant to Budget Act 2007–08
Item 6110-265-0001, Provision 2 (c))**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated December 10, 2008, referred by the Speaker to the Committee on Budget.

**Board of Parole Hearings Quarterly Report on
Lifer Parole Backlog Hearings
(Pursuant to Penal Code Section 3041 (d))**

Above transmitted report, together with letter of transmittal from Matthew L. Cate, Secretary, Department of Corrections and Rehabilitation, dated December 12, 2008, referred by the Speaker to the Committee on Public Safety.

**Annual Federal Carryover Report
(Pursuant to Education Code Section 12143 (b))**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated December 10, 2008, referred by the Speaker to the Committee on Budget.

**Annual Staff Report on the Management of State Schools Lands
Fiscal Year 2007–08
(Pursuant to Public Resources Code Section 6477)**

Above transmitted report, together with letter of transmittal from Paul D. Thayer, Executive Officer, California State Lands Commission, dated December 9, 2008, referred by the Speaker to the Committee on Natural Resources.

**Report on the Plan for the Closure of
Agnews Developmental Center
(Pursuant to Budget Act 2008, Item 0820-001-0001)**

Above transmitted report, together with letter of transmittal from Terri Delgadillo, Director, Department of Developmental Services, dated January 9, 2009, referred by the Speaker to the Committee on Human Services.

Mental Health Services Act Expenditure Report
Fiscal Year 2008–2009
(Pursuant to Assembly Bill 131, Chapter 80, Statutes of 2005)

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated January 12, 2009, referred by the Speaker to the Committee on Budget.

Report Regarding Iran Related Investments
(Pursuant to Government Code Section 7513.7)

Above transmitted report, together with letter of transmittal from Jack Ehnes, Chief Executive Officer, California State Teachers' Retirement System, dated December 18, 2008, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

Annual Report Regarding
World War II Slave Labor-Related Investments
(Pursuant to Government Code Section 7513.7)

Above transmitted report, together with letter of transmittal from Jack Ehnes, Chief Executive Officer, California State Teachers' Retirement System, dated December 31, 2008, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

Study of the Effectiveness of the Expansion of
the Education Specialist District Intern Program
to Include All Disabilities
(Pursuant to Senate Bill 933, Chapter 304, Statutes of 2006)

Above transmitted report, together with letter of transmittal from Dale A. Janssen, Executive Director, the Commission on Teacher Credentialing, dated December 22, 2008, stating availability of report at <http://www.ctc.ca.gov/reports/default.html>, referred by the Speaker to the Committee on Education.

Donative Transfer Restrictions (October 2008)
(Pursuant to Government Code Sections 8291 and 9795)

Above transmitted report, together with letter of transmittal from Brian Hebert, Executive Secretary, California Law Revision Commission, dated December 23, 2008, referred by the Speaker to the Committee on Judiciary.

2008–09 First Quarter Update of Staff Hiring Plan
(Pursuant to Budget Act 2008, Item 4440-011-0001)

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated December 23, 2008, referred by the Speaker to the Committee on Health.

2007/2008 Motor Vehicle Theft Prevention Act Annual Report
(Pursuant to Senate Bill 1743, Chapter 1248, Statutes of 1994)

Above transmitted report, together with letter of transmittal from J. A. Farrow, Commissioner, Department of California Highway Patrol, dated December 29, 2008, referred by the Speaker to the Committee on Transportation.

**Enforcement Activities Report
for Period February 1, 2008 through July 31, 2008
(Pursuant to Supplemental Language of the 2007 Budget Act)**

Above transmitted report, together with letter of transmittal from Preston DuFauchard, California Corporations Commissioner, Department of Corporations, dated December 17, 2008, referred by the Speaker to the Committee on Banking and Finance.

**April through June 2008 Capitol Outlay Quarterly Report
(Pursuant to Penal Code Section 7003.5)**

Above transmitted report, together with letter of transmittal from Matthew L. Cate, Secretary, Department of Corrections and Rehabilitation, dated December 12, 2008, referred by the Speaker to the Committee on Public Safety.

**California State University Channel Islands Site Authority
Statements of Revenues, Expenses, and Changes in Net Assets (Deficit)
(Pursuant to Education Code Section 89009 (c))**

Above transmitted report, together with letter of transmittal from Richard P. West, Executive Vice Chancellor and Chief Financial Officer, California State University, dated December 1, 2008, referred by the Speaker to the Committee on Budget.

**Board of Parole Hearings Quarterly Report on Efforts to
Transfer Foreign-Born Inmates to Their Countries of Origin
(Pursuant to Penal Code Section 2912(b)(1))**

Above transmitted report, together with letter of transmittal from Matthew L. Cate, Secretary, Department of Corrections and Rehabilitation, dated December 8, 2008, referred by the Speaker to the Committee on Public Safety.

**Surveys of Local Assessment Procedures
(Pursuant to Government Code Sections 9795 and 15646) from:**

Humboldt County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Imperial County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Inyo County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Kings County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Los Angeles County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Madera County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Marin County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Mariposa County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Monterey County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Modoc County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Napa County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

San Francisco County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Santa Clara County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Sutter County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Tulare County, Ramon J. Hirsig, Executive Director, dated December 31, 2008;

Ventura County, Ramon J. Hirsig, Executive Director, dated December 31, 2008.

Referred by the Speaker to the Committee on Local Government.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 315—De León. An act to amend Section 8222 of the Education Code, relating to child care and development services.

ASSEMBLY BILL NO. 316—Solorio. An act to amend Section 340.6 of the Code of Civil Procedure, and to amend Sections 851.8, 4901, 4903, and 4904 of, and to add Section 851.86 to, the Penal Code, relating to wrongful convictions.

ASSEMBLY BILL NO. 317—Solorio. An act relating to postsecondary education.

ASSEMBLY BILL NO. 318—Emmerson. An act to amend Section 4750.1 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 319—Niello. An act to amend Sections 336, 342, 9001, 9002, 9003, 9004, 9005, 9007, 9008, 9034, 9035, 9050, 9051, 9052, 9053, 9054, 9063, 9086, 13247, 13262, 13281, 13282, and 18602 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 320—Solorio. An act to amend Section 15820.917 of the Government Code, relating to county jails.

ASSEMBLY BILL NO. 321—Niello. An act to amend Section 69.5 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 322—Silva. An act to amend Sections 171b, 171.5, 245.5, 626.10, 11160, and 12650 of the Penal Code, relating to electronic control devices.

ASSEMBLY BILL NO. 323—Yamada. An act to add Chapter 1b (commencing with Section 18500) to Division 8 of the Business and Professions Code, relating to automobile tires.

ASSEMBLY BILL NO. 324—Beall (Principal coauthor: Senator Liu). An act to amend Sections 9002, 9014, 9100, 9102, 9400, and 9545 of, and to add Section 9009 to, the Welfare and Institutions Code, relating to aging.

ASSEMBLY BILL NO. 325—Beall. An act to add Section 11322.55 to the Welfare and Institutions Code, relating to CalWORKs.

ASSEMBLY BILL NO. 326—Garrick. An act to amend Sections 17072 and 19184 of, to amend and repeal Sections 17131.4, 17131.5, 17215.1, and 17215.4 of, and to add Sections 17138.5 and 17216 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 327—Garrick. An act to amend Section 23153 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 328—Charles Calderon. An act to amend Section 1633.3 of the Civil Code, relating to electronic transactions.

ASSEMBLY BILL NO. 329—Feuer. An act to amend Sections 1923.2 and 1923.5 of, and to add Chapter 9 (commencing with Section 1924) to Title 4 of Part 4 of Division 3 of, the Civil Code, relating to reverse mortgages.

ASSEMBLY BILL NO. 330—Saldaña. An act to add Section 15005 to the Elections Code, relating to elections.

ASSEMBLY BILL NO. 331—Hall. An act to amend Section 2924.8 of the Civil Code, relating to mortgages.

ASSEMBLY BILL NO. 332—Fuentes. An act to amend Section 51760 of, and to add Section 51760.1 to, the Education Code, relating to work-based learning, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 333—Fuentes. An act to add Section 66452.22 to the Government Code, relating to land use.

ASSEMBLY BILL NO. 334—Fuentes. An act to add Section 14011.11 to the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 335—Fuentes. An act to add Section 924 to the Labor Code, relating to employment.

ASSEMBLY BILL NO. 336—Yamada. An act to amend Section 76140.5 of the Education Code, relating to community colleges.

ASSEMBLY BILL NO. 337—Torres. An act to amend Section 781 of the Welfare and Institutions Code, relating to juvenile court records.

ASSEMBLY BILL NO. 338—Ma. An act to amend Sections 53395.1, 65460.1, 65460.2, and 65460.4 of, and to add Sections 53395.7.5 and 65460.2.5 to, the Government Code, relating to transit facilities.

ASSEMBLY BILL NO. 339—Torres. An act to amend Sections 12000 and 12001 of, and to add Chapter 4.5 (commencing with Section 1550) to Part 2 of Division 1 of Title 1 of, the Education Code, relating to education finance.

ASSEMBLY BILL NO. 340—Knight. An act to add Sections 17053.80 and 23623 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 341—Anderson. An act relating to taxation.

ASSEMBLY BILL NO. 342—Bass. An act to amend Section 14166 of the Welfare and Institutions Code, relating to Medi-Cal.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 26—Davis (Coauthors: Blumenfield, Charles Calderon, De León, Gaines, Krekorian, Price, Silva, and Audra Strickland). Relative to arts education.

ASSEMBLY CONCURRENT RESOLUTION NO. 27—Davis (Coauthors: Blumenfield, Charles Calderon, De León, Gaines, Krekorian, Price, Silva, and Audra Strickland). Relative to World Languages and Cultures Month.

ASSEMBLY JOINT RESOLUTION NO. 6—Beall (Principal coauthor: Senator Liu). Relative to elder citizens.

ASSEMBLY JOINT RESOLUTION NO. 7—Bass. Relative to stem cell research.

AUTHOR'S AMENDMENTS
Committee on Local Government

February 18, 2009

Mme. Speaker: The Chair of your Committee on Local Government reports:

Assembly Bill No. 79

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

CABALLERO, Chair

ASSEMBLY BILL NO. 79—An act to amend Section 8686 of the Government Code, and to amend Sections 218, 17207, and 24347.5 of, and to add Sections 195.152, 195.153, and 195.154 to, the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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 Agriculture

February 18, 2009

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

Assembly Bill No. 21

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

GALGIANI, Chair

ASSEMBLY BILL NO. 21—An act to add Section 14083 to the Food and Agricultural Code, relating to economic poisons.

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.

CAUCUS ANNOUNCEMENTS

At 11:03 p.m., Speaker pro Tempore Saldaña was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

RECESS

By unanimous consent, at 11:04 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

EIGHTY-FIRST CALENDAR DAY
AT SACRAMENTO, CALIFORNIA

Assembly Chamber, February 19, 2009

At 12 midnight.

Speaker pro Tempore Lori Saldaña, presiding.

RECONVENED

At 1:35 a.m., the Assembly reconvened.

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

PRAYER

Upon invitation of Speaker pro Tempore Saldaña, the following prayer was offered by Hon. Ted W. Lieu, Assembly Member, District 53:

Living and True God, We invoke Your blessing upon the legislators gathered here. Direct them to act justly, to love tenderly, and to walk humbly with our God, as they represent the aspirations of the people of California.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Saldaña, Assembly Member Fuentes 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 Knight.

COMMUNICATIONS

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

February 19, 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 appointed Assemblymember Felipe Fuentes to the Select Committee on Renewable Energy for the 2009–10 Regular Session.

Sincerely,

KAREN BASS
Speaker of the Assembly

February 19, 2009

Mr. E. Dotson Wilson

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

RE: Appointment of Pedro Nava, William Monning and Lori Saldaña to State Coastal Conservancy

Dear Mr. Wilson: Please be advised I have appointed Assemblymembers Pedro Nava, William Monning and Lori Saldaña to the State Coastal Conservancy. These are pleasure appointments starting February 19, 2009.

Sincerely,

KAREN BASS
Speaker of the Assembly

At 1:59 a.m., Speaker Karen Bass, 47th District, presiding

RECESS

By unanimous consent, at 2 a.m., Speaker Bass declared the Assembly recessed.

RECONVENED

At 3:36 a.m., the Assembly reconvened.

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

SPECIAL COMMITTEE MEETINGS

Assembly Member Krekorian was granted unanimous consent that the Committee on Transportation be permitted to hold a joint informational hearing with the Senate Committee on Transportation and Housing, on Monday, February 23, 2009, upon adjournment of Floor session, in Room 4203, and that Joint Rule 62(a) be waived.

RECESS

By unanimous consent, at 4:21 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 5:28 a.m., the Assembly reconvened.

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

MESSAGES FROM THE SENATE

Senate Chamber, February 19, 2009

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

Senate Bill No. 6

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

Senate Chamber, February 19, 2009

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

Senate Constitutional Amendment No. 4

Senate Constitutional Amendment No. 8

GREGORY P. SCHMIDT, Secretary of the Senate
By David Valverde, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 6—An act to amend Sections 13, 334, 337, 2150, 2151, 2152, 2154, 8025, 8062, 8068, 8081, 8121, 8124, 8142, 8148, 8150, 8300, 8550, 8600, 8605, 8805, 8807, 10705, 10706, 12108, 13102, 13105, 13110, 13206, 13207, 13208, 13230, 13300, 13302, 13305, 15451, 15452, 15670, 15671, 19300, and 19301 of, to amend Part 1 of Division 7 of, to add Sections 300.5, 325, 332.5, 338.5, 359.5, 8002.5, 8005, 8141.5, 8606, 9083.5, 9084.5, 13109.5, and 14105.1 to, to add Chapter 0.5 (commencing with Section 6000) to Part 1 of Division 6 of, to amend and renumber Section 6000 of, to repeal and add Section 8125 of, to repeal Sections 8802 and 8806 of, the Elections Code, and to amend Section 88001 of the Government Code, relating to elections.

The following resolutions were read the first time:

SENATE CONSTITUTIONAL AMENDMENT NO. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 5 and 6 of Article II thereof, relating to elections.

SENATE CONSTITUTIONAL AMENDMENT NO. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article III thereof, relating to state officer salaries.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Krekorian

Resolved, That Senate Constitutional Amendments Nos. 4 and 8, and Senate Bill No. 6 present cases of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the measures be read on three separate days in each house is hereby dispensed with, and it is ordered that the measures be placed upon their passage.

Resolution read, and adopted by the following vote:

AYES—66

Adams	Cook	Hernandez	Portantino
Ammiano	Coto	Hill	Price
Anderson	Davis	Huber	Ruskin
Arambula	De La Torre	Huffman	Salas
Beall	De León	Jones	Saldaña
Berryhill, B.	Emmerson	Krekorian	Silva
Berryhill, T.	Eng	Lieu	Skinner
Blakeslee	Feuer	Lowenthal	Smyth
Block	Fletcher	Ma	Solorio
Blumenfield	Fong	Mendoza	Strickland
Brownley	Fuentes	Monning	Swanson
Buchanan	Fuller	Nava	Torlakson
Caballero	Furutani	Nestande	Torres
Calderon	Gaines	Niello	Tran
Carter	Galgiani	Nielsen	Mme. Speaker
Chesbro	Hall	Pérez, J.	
Conway	Hayashi	Pérez, V.M.	

NOES—2

DeVore Logue

Article IV, Section 8(b) of the Constitution was declared dispensed with.

Second Reading of Senate Bills

SENATE CONSTITUTIONAL AMENDMENT NO. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 5 and 6 of Article II thereof, relating to elections.

Resolution read second time.

SENATE CONSTITUTIONAL AMENDMENT NO. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article III thereof, relating to state officer salaries.

Resolution read second time.

SENATE BILL NO. 6—An act to amend Sections 13, 334, 337, 2150, 2151, 2152, 2154, 8025, 8062, 8068, 8081, 8121, 8124, 8142, 8148, 8150, 8300, 8550, 8600, 8605, 8805, 8807, 10705, 10706, 12108, 13102, 13105, 13110, 13206, 13207, 13208, 13230, 13300, 13302, 13305, 15451, 15452, 15670, 15671, 19300, and 19301 of, to amend Part 1 of Division 7 of, to add Sections 300.5, 325, 332.5, 338.5, 359.5, 8002.5, 8005, 8141.5, 8606, 9083.5, 9084.5, 13109.5, and 14105.1 to, to add Chapter 0.5 (commencing with Section 6000) to Part 1 of Division 6 of, to amend and renumber Section 6000 of, to repeal and add Section 8125 of, to repeal Sections 8802 and 8806 of, the Elections Code, and to amend Section 88001 of the Government Code, relating to elections.

Bill read second time.

**CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT NO. 4
BY UNANIMOUS CONSENT**

Assembly Member Calderon was granted unanimous consent to take up Senate Constitutional Amendment No. 4, as amended, without reference to file, for purpose of consideration.

SENATE CONSTITUTIONAL AMENDMENT NO. 4 (Maldonado)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 5 and 6 of Article II thereof, relating to elections.

Resolution read third time, and presented by Assembly Member Calderon.

Debate and Discussion

Speaker pro Tempore Saldaña cautioned that it is inappropriate to make allegations of misconduct during debate of a bill.

Further Consideration of Senate Constitutional Amendment No. 4

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Calderon moved a call of the Assembly.

Motion carried. Time, 5:45 a.m.

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

**CONSIDERATION OF SENATE BILL NO. 6
BY UNANIMOUS CONSENT**

Assembly Member Calderon was granted unanimous consent to take up Senate Bill No. 6 without reference to file, for purpose of consideration.

SENATE BILL NO. 6 (Maldonado)—An act to amend Sections 13, 334, 337, 2150, 2151, 2152, 2154, 8025, 8062, 8068, 8081, 8121, 8124, 8142, 8148, 8150, 8300, 8550, 8600, 8605, 8805, 8807, 10705, 10706, 12108, 13102, 13105, 13110, 13206, 13207, 13208, 13230, 13300, 13302, 13305, 15451, 15452, 15670, 15671, 19300, and 19301 of, to amend Part 1 of Division 7 of, to add Sections 300.5, 325, 332.5, 338.5, 359.5, 8002.5, 8005, 8141.5, 8606, 9083.5, 9084.5, 13109.5, and 14105.1 to, to add Chapter 0.5 (commencing with Section 6000) to Part 1 of Division 6 of, to amend and renumber Section 6000 of, to repeal and add Section 8125 of, to repeal Sections 8802 and 8806 of, the Elections Code, and to amend Section 88001 of the Government Code, relating to elections.

Bill read third time, and presented by Assembly Member Calderon.

Bill passed by the following vote:

AYES—46

Arambula	Duvall	Hernandez	Price
Beall	Emmerson	Hill	Ruskin
Berryhill, B.	Evans	Huber	Salas
Berryhill, T.	Feuer	Huffman	Saldaña
Blakeslee	Fletcher	Krekorian	Smyth
Block	Fong	Lieu	Solorio
Caballero	Fuentes	Lowenthal	Torlakson
Calderon	Furutani	Monning	Torrico
Carter	Galgiani	Nava	Villines
Coto	Gilmore	Nestande	Mme. Speaker
Davis	Hall	Nielsen	
De La Torre	Hayashi	Pérez, J.	

NOES—22

Adams	Gaines	Knight	Strickland
Ammiano	Garrick	Logue	Swanson
Anderson	Hagman	Miller	Tran
Conway	Harkey	Niello	Yamada
DeVore	Jeffries	Portantino	
Fuller	Jones	Silva	

Vote Changes

By unanimous consent, the following vote change was permitted on the amendments to Senate Bill No. 6: Assembly Member Eng from “Aye” to “Not Voting”.

Bill ordered transmitted to the Senate.

**CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT NO. 8
BY UNANIMOUS CONSENT**

Assembly Member Niello was granted unanimous consent to take up Senate Constitutional Amendment No. 8 without reference to file, for purpose of consideration.

SENATE CONSTITUTIONAL AMENDMENT NO. 8 (Maldonado)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article III thereof, relating to state officer salaries.

Resolution read third time, and presented by Assembly Member Niello.

Resolution adopted by the following vote:

AYES—80

Adams	De La Torre	Hayashi	Pérez, J.
Ammiano	De León	Hernandez	Pérez, V.M.
Anderson	DeVore	Hill	Portantino
Arambula	Duvall	Huber	Price
Beall	Emmerson	Huffman	Ruskin
Berryhill, B.	Eng	Jeffries	Salas
Berryhill, T.	Evans	Jones	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	Mendoza	Torlakson
Carter	Galgiani	Miller	Torres
Chesbro	Garrick	Monning	Torrico
Conway	Gilmore	Nava	Tran
Cook	Hagman	Nestande	Villines
Coto	Hall	Niello	Yamada
Davis	Harkey	Nielsen	Mme. Speaker

NOES—None

RECESS

By unanimous consent, at 6:04 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 6:34 a.m., the Assembly reconvened.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE CONSTITUTIONAL AMENDMENT NO. 4**

At 6:34 a.m., on motion of Assembly Member Calderon, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Constitutional Amendment No. 4 adopted by the following vote:

AYES—54

Arambula	De La Torre	Hall	Pérez, J.
Beall	De León	Hayashi	Price
Berryhill, B.	Duwall	Hernandez	Ruskin
Berryhill, T.	Emmerson	Hill	Salas
Blakeslee	Eng	Huber	Saldaña
Block	Evans	Huffman	Smyth
Buchanan	Feuer	Krekorian	Solorio
Caballero	Fletcher	Lieu	Torlakson
Calderon	Fong	Lowenthal	Torres
Carter	Fuentes	Mendoza	Torrico
Conway	Fuller	Monning	Villines
Cook	Furutani	Nava	Mme. Speaker
Coto	Galgiani	Nestande	
Davis	Gilmore	Nielsen	

NOES—20

Adams	Garrick	Knight	Silva
Ammiano	Hagman	Ma	Strickland
Anderson	Harkey	Miller	Swanson
DeVore	Jeffries	Niello	Tran
Gaines	Jones	Portantino	Yamada

Resolution ordered transmitted to the Senate.

RECESS

By unanimous consent, at 6:34 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 6:48 a.m., the Assembly reconvened.

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

ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced the following session schedule:

Monday, February 23, 2009, Floor Session, noon.

At 6:50 a.m., Speaker Karen Bass, 47th District, presiding

ADJOURN IN MEMORY

Assembly Member Hayashi was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Staff Sgt. Sean D. Diamond of Dublin.

Assembly Members Skinner and Hayashi were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joe Gelders Frantz of Castro Valley.

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 Richard L. Narver of Elverta.

VOTE ADDS

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

Resolution to Invoke Constitution: Anderson and Strickland—Aye.

Senate Bill No. 6: Berryhill, T. and Hernandez—Aye; Anderson, Niello, and Swanson—No.

Senate Constitutional Amendment No. 8: DeVore—Aye.

Senate Constitutional Amendment No. 4: Niello—No.

MOTION TO ADJOURN

At 6:58 a.m., Assembly Member Krekorian moved that the Assembly do now adjourn.

Assembly Member Feuer seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 6:58 a.m., Speaker Bass declared the quorum call of the Assembly dispensed with.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 19, 2009

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

Assembly Bill No. 21

Assembly Bill No. 79

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 343—Saldaña. An act to add Chapter 11 (commencing with Section 49700) to Part 27 of Division 4 of Title 2 of the Education Code, relating to pupils.

ASSEMBLY BILL NO. 344—Caballero. An act to amend Section 446 of the Streets and Highways Code, relating to state highways.

ASSEMBLY BILL NO. 345—Torlakson. An act to amend Section 52302.8 of the Education Code, relating to regional occupational centers or programs.

ASSEMBLY BILL NO. 346—Torlakson. An act to amend Sections 17077.40, 17077.42, and 17077.45 of the Education Code, relating to joint-use school facilities.

ASSEMBLY BILL NO. 347—Block. An act to amend Section 7054 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 348—Salas. An act to add Section 21100.7 to the Water Code, relating to the South Bay Irrigation District.

ASSEMBLY BILL NO. 349—Silva. An act to amend Section 17560 of the Government Code, relating to state mandates.

ASSEMBLY BILL NO. 350—Lieu. An act to add Division 21 (commencing with Section 60000) to the Financial Code, relating to debt.

ASSEMBLY BILL NO. 351—Salas. An act to amend Section 51222 of the Education Code, relating to physical education.

ASSEMBLY BILL NO. 352—Audra Strickland. An act to amend Section 33353 of the Education Code, relating to public records.

ASSEMBLY BILL NO. 353—Charles Calderon. An act to amend Sections 338 and 340 of the Code of Civil Procedure, relating to civil actions.

ASSEMBLY BILL NO. 354—Arambula. An act to amend Section 120325 and 120335 of the Health and Safety Code, relating to vaccinations.

ASSEMBLY BILL NO. 355—Ammiano. An act to amend Section 12590 of, and to add Chapter 3.5 (commencing with Section 12577) to Part 13 of Division 7 of, the Probate Code, relating to decedent's estates.

ASSEMBLY BILL NO. 356—Fletcher. An act to amend Section 114850 of the Health and Safety Code, relating to radiologic technology.

ASSEMBLY BILL NO. 357—Knight. An act to amend Section 12050 of the Penal Code, relating to firearms.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 28—Ma. Relative to Eating Disorders Awareness Week.

ASSEMBLY CONCURRENT RESOLUTION NO. 29—Jones. Relative to health disparities.

HOUSE RESOLUTION NO. 9—Price and Anderson. Relative to National Problem Gambling Awareness Week.

AUTHOR'S AMENDMENTS

Committee on Utilities and Commerce

February 19, 2009

Mme. Speaker: The Chair of your Committee on Utilities and Commerce reports:
Assembly Bill No. 46

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

FUENTES, Chair

ASSEMBLY BILL NO. 46—An act to amend Section 25421 of the Public Resources Code, relating to energy, and making an appropriation therefor.

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 4 p.m., pursuant to the motion by Assembly Member Krekorian, the Assembly adjourned until 12 noon, Monday, February 23, 2009, out of respect to the memory of Staff Sgt. Sean D. Diamond, on motion of Assembly Member Hayashi; out of respect to the memory of Joe Gelders Frantz, on motion of Assembly Members Skinner and Hayashi; and out of respect to the memory of Richard L. Narver, on motion of Assembly Member Nielsen.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 18, 2009**

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

AB RN

21 0908523

79 0908391

Daily Total: 2

Cumulative Total: 7

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 19, 2009**

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

AB RN

46 0904420

Daily Total: 1

Cumulative Total: 8

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