

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 5, 2009

FIFTH SESSION DAY

THIRTY-SIXTH 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)

1-JUNE (1-4)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 5, 2009

The Assembly met at 1 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 Knight 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 1:16 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—78:

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

PRAYER

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

Lord, As we begin the new year, we recall the events in our life in 2008 that You used to mature us and to equip us. As we remember those times, we are inspired to rise to a higher level, to cherish our time with our family and the “heart-to-hearts” with our spouse. Lord, there are lessons we learned and that we will remember. Inspire us to press onward in 2009 and bless us.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Saldaña, Assembly Member Block 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 Blakeslee.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

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

Due to travel delays: Assembly Member Anderson.

COMMUNICATIONS

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

Per Diem

December 24, 2008

Dotson Wilson

Chief Clerk of the Assembly

State Capitol, Room 3196

Sacramento, California

Dear Mr. Wilson,

I respectfully request to waive per diem for Wednesday, December 17, 2008, the date in which the Assembly session was cancelled.

Please contact my Chief of Staff, Andrea Graham, at 319-2022 should you have any questions. Thank you for your prompt response to this request.

Sincerely,

PAUL FONG, Assembly Member
Twenty-second District

Per Diem

December 24, 2008

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

Dear Chief Clerk Wilson: I am declining per diem for December 16–18, 2008.

Thank you for your assistance.

Warm regards,

JERRY HILL, Assembly Member
 Nineteenth District

Per Diem

January 5, 2009

Dotson Wilson
Assembly Chief Clerk
State Capitol, Room 3196
Sacramento, California

Dear Dotson: This correspondence is to let you know that I wish to decline per diem for December 16–18, 2008, due to the continuing budget crisis.

Should you have any questions regarding this matter, you are welcome to contact me or my chief of staff, Willie Armstrong, at (916) 319-2028.

Regards,

ANNA M. CABALLERO, Assembly Member
 Twenty-eighth District

Per Diem

January 5, 2009

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

Dear Chief Clerk Wilson: Effective January 5, 2009, I would like to adjust my per diem rate to the \$170 amount we received prior to the \$3 increase that went into effect on October 1, 2008.

If you have any questions regarding this request, please contact my Chief of Staff, Kevin O'Neill, at 916.319.2038. Thank you.

Sincerely,

CAMERON M. SMYTH, Assembly Member
 Thirty-eighth District

RECESS

By unanimous consent, at 1:20 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 1:26 p.m., the Assembly reconvened.

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

ADJOURN IN MEMORY

Assembly Member Feuer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ethel Bradley of Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Galgiani was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Cardoza of Atwater.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Swanson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. C. Diane Howell of Oakland.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Bass was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Earl Silas, Sr. of Lake Charles, Louisiana.

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 Dr. Jeremy Eisenstein of West Hills, Clyde Smith and Michael Leavilt of Santa Monica, and Toni Young of Port Hueneme.

Assembly Member Caballero was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Geralyn Simmons of Gilroy.

Assembly Member Hernandez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Alicia Ortega, Joseph Ortega, Sylvia Pardo, James Ortega, Charles Ortega, Alicia Ortiz, Teresa Ortega, Michael Ortiz, and Cheri Ortega of Covina.

ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced the following session schedule:

Tuesday, January 6, 2009, Check-in Session, 7 a.m.–3 p.m. and Floor Session, upon Call of the Speaker;

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

Thursday, January 8, 2009, Check-in Session, 7 a.m.–3 p.m. and Floor Session upon Call of the Speaker;

Friday, January 9, 2009, Floor Session, upon Call of the Speaker;

Monday, January 12, 2009, Floor Session, 1 p.m.

MOTION TO ADJOURN

At 1:33 p.m., Assembly Member De La Torre moved that the Assembly do now adjourn.

Assembly Member Huffman seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 1:33 p.m., Speaker pro Tempore Saldaña declared the quorum call of the Assembly dispensed with.

FIRST READING OF ASSEMBLY BILLS

The following bills were read the first time:

ASSEMBLY BILL NO. 79—Duvall (Principal coauthor: Miller) (Coauthors: Anderson, DeVore, Hagman, Harkey, Silva, and Tran). 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.

ASSEMBLY BILL NO. 80—Blakeslee. An act to amend Section 115841 of the Health and Safety Code, relating to reservoirs.

ASSEMBLY BILL NO. 81—Strickland. An act to add Section 49069.7 to the Education Code, relating to interscholastic athletics.

ASSEMBLY BILL NO. 82—Evans. An act to amend Sections 369.5 and 739.5 of the Welfare and Institutions Code, relating to dependent children.

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

ASSEMBLY BILL NO. 84—Hill, Adams, and Lieu. An act to amend Section 3019 of the Elections Code, relating to elections.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 7—Hernandez. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 31 of Article I thereof, relating to public education.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 85—Tom Berryhill. An act to amend Section 21606 of the Business and Professions Code, relating to junk dealers and recyclers.

ASSEMBLY BILL NO. 86—Nava. An act to amend Section 22013.7 of, and to add Section 20423.3 to, the Government Code, relating to public employees' retirement, and making an appropriation therefor.

ASSEMBLY BILL NO. 87—Davis. An act to amend Sections 42250, 42251, 42252, 42253, and 42254 of, to amend the heading of Chapter 5.1 (commencing with Section 42250) of Part 3 of Division 30 of, to add Sections 42252.5 and 42252.7 to, and to repeal and add Sections 42256 and 42257 of, the Public Resources Code, relating to single-use carryout bags.

ASSEMBLY BILL NO. 88—Davis. An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 89—Torlakson. An act to add Article 2.5 (commencing with Section 30130.5) to Chapter 2 of Part 13 of Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 90—Adams. An act to amend Section 1799.102 of the Health and Safety Code, relating to personal liability.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member De La Torre the Assembly adjourned until 7 a.m., Tuesday, January 6, 2009, out of respect to the memory of Ethel Bradley, on motion of Assembly Member Feuer; out of respect to the memory of Mary Cardoza, on motion of Assembly Member Galgiani; out of respect to the memory of Dr. C. Diane Howell, on motion of Assembly Member Swanson; out of respect to the memory of Earl Silas, Sr., on motion of Speaker Bass; out of respect to the memory of Dr. Jeremy Eisenstein, Clyde Smith, Michael Leavilt, and Toni Young, on motion of Assembly Member Brownley; out of respect to the memory of Geralyn Simmons, on motion of Assembly Member Caballero; and out of respect to the memory of Alicia Ortega, Joseph Ortega, Sylvia Pardo, James Ortega, Charles Ortega, Alicia Ortiz, Teresa Ortega, Michael Ortiz, and Cheri Ortega, on motion of Assembly Member Hernandez.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

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