

CALIFORNIA LEGISLATURE
2009–10 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 19, 2009
TENTH SESSION DAY
SEVENTY-FOURTH 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
Thursday, February 19, 2009

The Assembly met at 4:21 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 following were placed upon the morning roll call—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

Quorum present.

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.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS****SENATE BILL NO. 15 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Krekorian was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 15 was refused passage.

CONSIDERATION OF SENATE BILL NO. 15

SENATE BILL NO. 15 (Ashburn)—An act to add and repeal Section 17059 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 4:24 a.m.

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

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 12 (Steinberg)—An act to amend Sections 68085.45, 70371.5, and 70372 of, and to add Sections 70371.7 and 70371.8 to, the Government Code, relating to court facilities, and making an appropriation therefor.

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

Bill passed by the following vote:

AYES—73

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

NOES—4

Anderson	DeVore	Gaines	Harkey
----------	--------	--------	--------

Bill ordered transmitted to the Senate immediately.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 15**

At 4:29 a.m., on motion of Assembly Member Huber, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 15 passed by the following vote:

AYES—62

Adams	DeVore	Hill	Price
Anderson	Duvall	Huber	Salas
Arambula	Emmerson	Jeffries	Saldaña
Beall	Eng	Knight	Silva
Berryhill, B.	Evans	Lieu	Smyth
Berryhill, T.	Fong	Logue	Solorio
Block	Fuller	Lowenthal	Strickland
Buchanan	Gaines	Ma	Swanson
Caballero	Galgiani	Mendoza	Torlakson
Calderon	Garrick	Miller	Torres
Carter	Gilmore	Nava	Torrico
Chesbro	Hagman	Nestande	Tran
Conway	Hall	Nielsen	Villines
Cook	Harkey	Pérez, J.	Mme. Speaker
Coto	Hayashi	Pérez, V.M.	
Davis	Hernandez	Portantino	

NOES—11

Ammiano	De La Torre	Jones	Skinner
Blumenfield	Feuer	Niello	Yamada
Brownley	Huffman	Ruskin	

Bill ordered transmitted to the Senate immediately.

RECESS

By unanimous consent, at 4:30 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 6:39 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:

Assembly Bill No. 5

Assembly Bill No. 7

Assembly Bill No. 8

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

Above bills ordered enrolled.

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. 16

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. 16—An act to amend Sections 19606.1, 19606.3, and 19620.1 of, to add Section 19620.2 to, and to repeal and add Section 19616.51 of, the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Krekorian.

Resolved, That Senate Bill No. 16 presents a case 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 bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage.

Resolution read, and adopted by the following vote:

AYES—73

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

NOES—1

DeVore

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

Second Reading of Senate Bill No. 16

SENATE BILL NO. 16—An act to amend Sections 19606.1, 19606.3, and 19620.1 of, to add Section 19620.2 to, and to repeal and add Section 19616.51 of, the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read second time.

CONSIDERATION OF SENATE BILL NO. 16 BY UNANIMOUS CONSENT

Assembly Member Galgiani was granted unanimous consent to take up Senate Bill No. 16 without reference to file, for purpose of consideration.

SENATE BILL NO. 16 (Galgiani)—An act to amend Sections 19606.1, 19606.3, and 19620.1 of, to add Section 19620.2 to, and to repeal and add Section 19616.51 of, the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

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

Bill passed by the following vote:

AYES—63

Adams	Coto	Hill	Portantino
Ammiano	Davis	Huber	Price
Anderson	Emmerson	Huffman	Salas
Arambula	Evans	Knight	Saldaña
Beall	Fletcher	Krekorian	Silva
Berryhill, B.	Fong	Lieu	Smyth
Berryhill, T.	Fuentes	Logue	Solorio
Blakeslee	Fuller	Lowenthal	Strickland
Block	Gaines	Ma	Swanson
Blumenfield	Galgiani	Mendoza	Torlakson
Brownley	Garrick	Miller	Torres
Caballero	Gilmore	Monning	Torrico
Carter	Hagman	Nava	Tran
Chesbro	Hall	Nestande	Villines
Conway	Hayashi	Nielsen	Mme. Speaker
Cook	Hernandez	Pérez, V.M.	

NOES—4

DeVore	Feuer	Niello	Skinner
--------	-------	--------	---------

Vote Changes

By unanimous consent, the following vote changes were permitted on Senate Bill No. 16: Assembly Members Feuer and Skinner from “Aye” to “No”; Assembly Member Hagman from “No” to “Aye”.

Bill ordered transmitted to the Senate.

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 adopted:

Senate Concurrent Resolution No. 3

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

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 3—General Subject: 2009–10 Second Extraordinary Session: final adjournment.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 3
BY UNANIMOUS CONSENT**

Assembly Member Krekorian was granted unanimous consent to take up Senate Concurrent Resolution No. 3 without reference to committee, print, or file, for purpose of consideration.

SENATE CONCURRENT RESOLUTION NO. 3 (Steinberg)—2009–10 Second Extraordinary Session: final adjournment.

Resolution read, and presented by Assembly Member Krekorian.

Resolution adopted by the following vote:

AYES—79

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

NOES—None

Resolution ordered transmitted to the Senate.

VOTE ADDS

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

Senate Bill No. 12: Adams, Jeffries, and Tran—Aye; Anderson, DeVore, Gaines, and Harkey—No.

Senate Bill No. 15: Adams, Hall, and Jeffries—Aye; Niello—No.

Resolution to Invoke Constitution: Anderson and Cook—Aye.

Senate Bill No. 16: Niello—No.

Senate Concurrent Resolution No. 3: Gaines—Aye.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 19, 2009

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

Assembly Bill No. 5

Assembly Bill No. 7

Assembly Bill No. 8

And reports the same correctly enrolled, and presented to the Governor on the 19th day of February, 2009, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 6:48 a.m., pursuant to the provisions of Senate Concurrent Resolution No. 3, the 2009–10 Second Extraordinary Session of the Legislature was adjourned *sine die*.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk