

CALIFORNIA LEGISLATURE  
2009–10 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 19, 2009**  
**THIRTEENTH SESSION DAY**  
**FORTY-SIXTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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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 4:32 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.

**BILLS WITHDRAWN FROM COMMITTEE AND PLACED ON FILE**

Assembly Member Krekorian was granted unanimous consent that Senate Bills Nos. 19 and 20, be withdrawn from the Committee on Rules and placed on the third reading file.

**CONSIDERATION OF SENATE BILL NO. 20  
BY UNANIMOUS CONSENT**

Assembly Member Evans was granted unanimous consent to take up Senate Bill No. 20 without reference to file, for purpose of amendment.

**SENATE BILL NO. 20 (Ducheny)**—An act relating to the Budget Act of 2008.  
Bill read third time.

**Motion to Amend**

Assembly Member Evans moved the adoption of amendments.  
Amendments read and adopted; bill ordered reprinted.

**CONSIDERATION OF SENATE BILL NO. 20 AS AMENDED  
BY UNANIMOUS CONSENT**

Assembly Member Evans was granted unanimous consent to take up Senate Bill No. 20, as amended, without reference to file, for purpose of consideration.

**SENATE BILL NO. 20 (Maldonado)**—An act to amend and supplement the Budget Act of 2009 by amending Item 0840-001-0001 of Section 2.00 of that act, relating to the State Budget, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—57**

Adams	De La Torre	Harkey	Portantino
Ammiano	De León	Hayashi	Price
Anderson	DeVore	Hernandez	Saldaña
Arambula	Duvall	Hill	Silva
Berryhill, B.	Emmerson	Huber	Smyth
Berryhill, T.	Evans	Jeffries	Solorio
Blakeslee	Fletcher	Knight	Strickland
Block	Fuentes	Logue	Torres
Buchanan	Fuller	Lowenthal	Torrico
Caballero	Gaines	Miller	Tran
Calderon	Galgiani	Monning	Villines
Chesbro	Garrick	Nestande	Mme. Speaker
Conway	Gilmore	Niello	
Cook	Hagman	Nielsen	
Davis	Hall	Pérez, J.	

**NOES—4**

Coto	Feuer	Huffman	Yamada
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The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—57**

Adams	De La Torre	Harkey	Portantino
Ammiano	De León	Hayashi	Price
Anderson	DeVore	Hernandez	Saldaña
Arambula	Duvall	Hill	Silva
Berryhill, B.	Emmerson	Huber	Smyth
Berryhill, T.	Evans	Jeffries	Solorio
Blakeslee	Fletcher	Knight	Strickland
Block	Fuentes	Logue	Torres
Buchanan	Fuller	Lowenthal	Torrico
Caballero	Gaines	Miller	Tran
Calderon	Galgiani	Monning	Villines
Chesbro	Garrick	Nestande	Mme. Speaker
Conway	Gilmore	Niello	
Cook	Hagman	Nielsen	
Davis	Hall	Pérez, J.	

**NOES—4**

Coto	Feuer	Huffman	Yamada
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**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 20: Assembly Member Ruskin from “Aye” to “Not Voting”.

Bill ordered transmitted to the Senate immediately.

**CONSIDERATION OF SENATE BILL NO. 19  
BY UNANIMOUS CONSENT**

Assembly Member Evans was granted unanimous consent to take up Senate Bill No. 19 without reference to file, for purpose of amendment.

**SENATE BILL NO. 19 (Ducheny)**—An act relating to the Budget Act of 2008.

Bill read third time.

**Motion to Amend**

Assembly Member Evans moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

**Consideration of Senate Bill No. 19, as Amended,  
by Unanimous Consent**

Assembly Member Evans was granted unanimous consent to take up Senate Bill No. 19, as amended, without reference to file, for purpose of consideration.

**SENATE BILL NO. 19 (Ducheny)**—An act calling an election, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—58**

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

**NOES—12**

Anderson	Gaines	Jeffries	Silva
DeVore	Hagman	Logue	Tran
Duvall	Harkey	Miller	Yamada

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—58**

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

**NOES—12**

Anderson	Gaines	Jeffries	Silva
DeVore	Hagman	Logue	Tran
Duvall	Harkey	Miller	Yamada

Bill ordered transmitted to the Senate immediately.

**RECESS**

By unanimous consent, at 5:28 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

**RECONVENED**

At 6:06 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 adopted:

Assembly Constitutional Amendment No. 1

Assembly Constitutional Amendment No. 2

GREGORY P. SCHMIDT, Secretary of the Senate

By David Valverde, Assistant Secretary

Above resolutions 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:

Assembly Bill No. 3

Assembly Bill No. 16

Assembly Bill No. 17

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate

By David Valverde, Assistant Secretary

Above bills ordered to unfinished business file.

**ASSEMBLY BILL NO. 3****CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT**

Assembly Member Evans was granted unanimous consent to take up for consideration, Senate amendments to Assembly Bill No. 3, without reference to file.

**ASSEMBLY BILL NO. 3 (Evans)**—An act to add Section 99040 to the Government Code, to amend Sections 17041, 17054, and 17062 of, to amend and add Sections 10752 and 10752.1 of, and to add Sections 6051.7, 6201.7, and 10752.2 to, the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Urgency Clause**

Urgency clause read.

**Parliamentary Inquiry**

Assembly Member Blakeslee arose to the following parliamentary inquiry:

Is it appropriate for the presiding officer to provide narration of debate rather than direction to the House?

**Reply by Speaker pro Tempore Saldaña**

The Speaker pro Tempore replied in the affirmative.

**Further Consideration of Assembly Bill No. 3****ANNOUNCEMENT**

Speaker pro Tempore Saldaña announced that pursuant to Assembly Rule 117.5 use of cellular telephones is prohibited on the Floor during the session.

**FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 3**

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 6:32 a.m.

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

**RECESS**

By unanimous consent, at 6:33 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  
ASSEMBLY BILL NO. 3**

At 6:35 a.m., on motion of Assembly Member Evans, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Assembly Bill No. 3 adopted by the following vote:

**AYES—54**

Adams	De La Torre	Huffman	Ruskin
Ammiano	De León	Jones	Salas
Arambula	Eng	Krekorian	Saldaña
Beall	Evans	Lieu	Skinner
Block	Feuer	Lowenthal	Solorio
Blumenfield	Fong	Ma	Swanson
Brownley	Fuentes	Mendoza	Torlakson
Buchanan	Furutani	Monning	Torres
Caballero	Galgiani	Nava	Torrico
Calderon	Hall	Niello	Villines
Carter	Hayashi	Pérez, J.	Yamada
Chesbro	Hernandez	Pérez, V.M.	Mme. Speaker
Coto	Hill	Portantino	
Davis	Huber	Price	

**NOES—26**

Anderson	Duvall	Hagman	Nielsen
Berryhill, B.	Emmerson	Harkey	Silva
Berryhill, T.	Fletcher	Jeffries	Smyth
Blakeslee	Fuller	Knight	Strickland
Conway	Gaines	Logue	Tran
Cook	Garrick	Miller	
DeVore	Gilmore	Nestande	

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—54**

Adams	De La Torre	Huffman	Ruskin
Ammiano	De León	Jones	Salas
Arambula	Eng	Krekorian	Saldaña
Beall	Evans	Lieu	Skinner
Block	Feuer	Lowenthal	Solorio
Blumenfield	Fong	Ma	Swanson
Brownley	Fuentes	Mendoza	Torlakson
Buchanan	Furutani	Monning	Torres
Caballero	Galgiani	Nava	Torrico
Calderon	Hall	Niello	Villines
Carter	Hayashi	Pérez, J.	Yamada
Chesbro	Hernandez	Pérez, V.M.	Mme. Speaker
Coto	Hill	Portantino	
Davis	Huber	Price	

**NOES—26**

Anderson	Duvall	Hagman	Nielsen
Berryhill, B.	Emmerson	Harkey	Silva
Berryhill, T.	Fletcher	Jeffries	Smyth
Blakeslee	Fuller	Knight	Strickland
Conway	Gaines	Logue	Tran
Cook	Garrick	Miller	
DeVore	Gilmore	Nestande	

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 16****CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT**

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

**ASSEMBLY BILL NO. 16 (Evans)**—An act to add and repeal Section 99030 of the Government Code, relating to state finance, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*



**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—63**

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

**NOES—11**

Anderson	Furutani	Nestande	Tran
DeVore	Hagman	Silva	Yamada
Emmerson	Knight	Swanson	

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—63**

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

**NOES—11**

Anderson	Furutani	Nestande	Tran
DeVore	Hagman	Silva	Yamada
Emmerson	Knight	Swanson	

**Vote Changes**

By unanimous consent, the following vote change was permitted on the urgency clause and on Concurrence in Senate Amendments to Assembly Bill No. 16: Assembly Member Skinner from “Aye” to “Not Voting”.

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 17****CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT**

Assembly Member Evans was granted unanimous consent to take up for consideration, Senate amendments to Assembly Bill No. 17, without reference to file.

**ASSEMBLY BILL NO. 17 (Evans)**—An act to amend Sections 130105 and 130150 of the Health and Safety Code, to amend Section 30131.4 of, and to add Section 30131.45 to, the Revenue and Taxation Code, relating to children, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—75**

Adams	De La Torre	Hill	Pérez, V.M.
Ammiano	De León	Huber	Portantino
Arambula	Duvall	Huffman	Price
Beall	Emmerson	Jeffries	Ruskin
Berryhill, B.	Eng	Jones	Salas
Berryhill, T.	Evans	Knight	Saldaña
Blakeslee	Feuer	Krekorian	Silva
Block	Fletcher	Lieu	Skinner
Blumenfield	Fong	Logue	Smyth
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	Hall	Nestande	Villines
Cook	Harkey	Niello	Yamada
Coto	Hayashi	Nielsen	Mme. Speaker
Davis	Hernandez	Pérez, J.	

**NOES—3**

Anderson	Gilmore	Hagman
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The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—75**

Adams	De La Torre	Hill	Pérez, V.M.
Ammiano	De León	Huber	Portantino
Arambula	Duvall	Huffman	Price
Beall	Emmerson	Jeffries	Ruskin
Berryhill, B.	Eng	Jones	Salas
Berryhill, T.	Evans	Knight	Saldaña
Blakeslee	Feuer	Krekorian	Silva
Block	Fletcher	Lieu	Skinner
Blumenfield	Fong	Logue	Smyth
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	Hall	Nestande	Villines
Cook	Harkey	Niello	Yamada
Coto	Hayashi	Nielsen	Mme. Speaker
Davis	Hernandez	Pérez, J.	

**NOES—3**

Anderson	Gilmore	Hagman
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Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****MOTION TO RECONSIDER BILLS LAPSED**

The motion to reconsider the vote on Assembly Bills Nos. 5, 11, 12, 13, and 15 lapsed.

Assembly Bills Nos. 5, 11, 12, 13, and 15 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. 20 and Urgency:** Adams, Duvall, and Portantino—Aye; Coto—No.

**Senate Bill No. 19 and Urgency:** Adams, Knight, and Strickland—Aye; Duvall, Silva, and Tran—No.

**Assembly Bill No. 16, Urgency and Concurrence:** Chesbro, Cook, Garrick, and Jones—Aye; Anderson and Tran—No.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 19, 2009

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

Assembly Bill No. 3

Assembly Bill No. 13

Assembly Bill No. 5

Assembly Bill No. 15

Assembly Bill No. 11

Assembly Bill No. 16

Assembly Bill No. 12

Assembly Bill No. 17

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

Assembly Chamber, February 19, 2009

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

Assembly Constitutional Amendment No. 1

Assembly Constitutional Amendment No. 2

And reports the same correctly enrolled, and presented to the Secretary of State on the 19th day of February, 2009, at 11:15 a.m.

E. DOTSON WILSON, Chief Clerk

### 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 concurred in Assembly amendments to:

Senate Bill No. 1

Senate Bill No. 2

Senate Bill No. 10

Senate Bill No. 6

Senate Bill No. 14

Senate Bill No. 7

Senate Bill No. 20

Senate Bill No. 4

Senate Bill No. 19

Senate Bill No. 15

Senate Bill No. 8

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

### ADJOURNMENT

At 6:39 a.m., the Assembly recessed upon Call of the Speaker.

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KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

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

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

**SB RN**

19 0909091

20 0909066

**Daily Total: 2**

**Cumulative Total: 155**

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