

CALIFORNIA LEGISLATURE  
2009–10 EIGHTH EXTRAORDINARY SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Thursday, February 25, 2010**  
**NINETEENTH SESSION DAY**  
**FORTY-SEVENTH 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 Minute Clerk: Phone 319-2360)

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, February 25, 2010

The Assembly met at 9:53 a.m.

Hon. John A. Pérez, Speaker-elect of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Timothy Morland reading.

#### ROLL CALL

The roll was called, and the following answered to their names—72:

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

Quorum present.

**PRAYER**

Upon invitation of Speaker-elect John A. Pérez, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

*Lord, One of our founding fathers, Samuel Adams, said that faith in You and good morals are the only solid foundation of public liberty and happiness. Help us, Lord, to make pleasing You, first on our list and to keep a pure heart before You. For when we live a life of excellence and integrity that honors You, Your blessings will rain down upon us every day.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker-elect John A. Pérez, Assembly Member Brownley 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 Hagman.

**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 Bass and Hall.*

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

*Because of illness: Assembly Members Carter, Davis, and Saldaña.*

*Because of a death in his family: Assembly Member Garrick.*

(NOTE: For letter explaining the absence of Assembly Member Bass on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Regular Session for Wednesday, February 24, 2010; for letter explaining the absence of Assembly Member Hall on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Regular Session for this day.)

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 5 (Committee on Budget)**—An act to amend Section 22954 and 22955 of the Education Code, to add Section 16324 to, and to add and repeal Sections 16325, 16325.5, and 16326 of, the Government Code, and to amend Section 2103.1 of the Streets and Highways 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.

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, 11:11 a.m.

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

**ASSEMBLY BILL NO. 7 (Committee on Budget)**—An act to amend Sections 14560, 14580, and 14581 of, and to amend, repeal, and add Section 14574 to, the Public Resources Code, and to amend Sections 13476 and 13480 of the Water Code, relating to the environment, 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, and adopted by the following vote:

**AYES—69**

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

**NOES—None**

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

**AYES—69**

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

**NOES—None**

Above bill ordered enrolled.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 4**—An act to amend Sections 4639.5, 4640.6, and 11401 of the Welfare and Institutions Code, and to amend Section 10 of Chapter 13 of the Third Extraordinary Session of the Statutes of 2009, relating to social services.

Bill read second time; amendments proposed by the Committee on Budget read and adopted, bill ordered reprinted and to be placed upon the third reading file.

**CONSIDERATION OF SENATE BILL NO. 4, AS AMENDED BY UNANIMOUS CONSENT**

Assembly Member Evans was granted unanimous consent to take up Senate Bill No. 4 as amended, without reference to print or file, for purpose of consideration.

**SENATE BILL NO. 4 (Committee on Budget and Fiscal Review)**—An act to amend Sections 4640.6 and 11401 of the Welfare and Institutions Code, and to amend Section 10 of Chapter 13 of the Third Extraordinary Session of the Statutes of 2009, relating to social services.

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

Bill passed by the following vote:

**AYES—54**

Adams	De León	Hernandez	Pérez, J.
Ammiano	Emmerson	Hill	Pérez, V.M.
Arambula	Eng	Huber	Portantino
Berryhill, T.	Evans	Huffman	Ruskin
Blakeslee	Feuer	Jones	Salas
Block	Fletcher	Knight	Silva
Blumenfield	Fong	Lieu	Skinner
Brownley	Fuentes	Lowenthal	Smyth
Buchanan	Furutani	Ma	Solorio
Caballero	Gaines	Monning	Torlakson
Calderon	Galgiani	Nava	Torrico
Chesbro	Gilmore	Nestande	Villines
Coto	Hagman	Niello	
De La Torre	Hayashi	Nielsen	

**NOES—13**

Anderson	Harkey	Norby	Yamada
Beall	Jeffries	Strickland	
Berryhill, B.	Logue	Swanson	
Fuller	Miller	Tran	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 4: Assembly Member Silva from “No” to “Aye.”

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 5**

At 11:15 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. 5 adopted by the following vote:

**AYES—55**

Adams	Cook	Hagman	Nielsen
Ammiano	Coto	Hayashi	Pérez, J.
Arambula	De La Torre	Hernandez	Portantino
Beall	De León	Hill	Ruskin
Berryhill, B.	Emmerson	Huber	Salas
Berryhill, T.	Eng	Huffman	Skinner
Block	Evans	Jones	Solorio
Blumenfield	Feuer	Lieu	Swanson
Bradford	Fong	Lowenthal	Torlakson
Brownley	Fuentes	Ma	Torres
Buchanan	Furutani	Mendoza	Torrico
Calderon	Gaines	Monning	Tran
Chesbro	Galgiani	Nava	Villines
Conway	Gilmore	Niello	

**NOES—15**

Anderson	Harkey	Miller	Silva
Blakeslee	Jeffries	Nestande	Smyth
Caballero	Knight	Norby	Strickland
Fuller	Logue	Pérez, V.M.	

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

**AYES—55**

Adams	Cook	Hagman	Nielsen
Ammiano	Coto	Hayashi	Pérez, J.
Arambula	De La Torre	Hernandez	Portantino
Beall	De León	Hill	Ruskin
Berryhill, B.	Emmerson	Huber	Salas
Berryhill, T.	Eng	Huffman	Skinner
Block	Evans	Jones	Solorio
Blumenfield	Feuer	Lieu	Swanson
Bradford	Fong	Lowenthal	Torlakson
Brownley	Fuentes	Ma	Torres
Buchanan	Furutani	Mendoza	Torrico
Calderon	Gaines	Monning	Tran
Chesbro	Galgiani	Nava	Villines
Conway	Gilmore	Niello	

**NOES—15**

Anderson	Harkey	Miller	Silva
Blakeslee	Jeffries	Nestande	Smyth
Caballero	Knight	Norby	Strickland
Fuller	Logue	Pérez, V.M.	

Above bill ordered enrolled.

**RECESS**

By unanimous consent, at 11:16 a.m., Acting Speaker Torrico declared the Assembly recessed to permit the introduction of a special guest.

Assembly Members Smyth and Portantino introduced McKay Hatch in recognition of his effort to bring attention to civil discourse and presented him with a resolution recognizing the first week of March as Cuss Free Week.

**RECONVENED**

At 11:18 a.m., the Assembly reconvened.

Hon. Alberto Torrico, Acting Speaker of the Assembly, presiding.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 11:19 a.m., by unanimous consent, the members of the Committee on Appropriations were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: February 25, 2010

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 32

With the recommendation: Do pass.

DE LEÓN, Chair

Above bill ordered to second reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, February 25, 2010

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

Senate Bill No. 26

GREGORY P. SCHMIDT, Secretary of the Senate  
By Bernadette McNulty, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 26**—An act to add Division 16.2 (commencing with Section 26100) to the Public Resources Code, relating to energy, and making an appropriation therefor.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 25, 2010

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

Assembly Bill No. 5

Assembly Bill No. 7

And reports the same correctly enrolled, and presented to the Governor on the 25th day of February, 2010, at 12:40 p.m.

E. DOTSON WILSON, Chief Clerk

**VOTE ADDS**

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

**Assembly Bill No. 7, Urgency and Concurrence:** Fletcher, Gaines, Hagman, Niello, Strickland, and Torres—Aye.

**Senate Bill No. 4:** Tom Berryhill, Blakeslee, Gaines, Gilmore, Knight, Niello, V.M. Pérez, and Villines—Aye; Jeffries and Strickland—No.

**Assembly Bill No. 5, Concurrence:** Cook—Aye; V.M. Pérez—No.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

---

ALBERTO TORRICO, Majority Floor Leader

AMY LEACH, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 25, 2010**

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

**SB RN**

4 1006812

**Daily Total: 1**

**Cumulative Total: 13**

O