

CALIFORNIA LEGISLATURE  
2009–10 EIGHTH EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 4, 2010**  
**TWENTY-FIRST SESSION DAY**  
**FIFTY-FOURTH 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 Minute Clerk: Phone 319-2360)

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, March 4, 2010

The Assembly met at 9:30 a.m.

Hon. John A. Pérez, Speaker 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—77:

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

Quorum present.

**PRAYER**

Upon invitation of Speaker Pérez, the following prayer was offered by Assembly Alternate Chaplain Pastor Ivan L. Williams, Sr.:

*Heavenly Father, On this day, we await your guidance and direction. We ask you to show us the way to make a difference in the lives of the people we serve. Show us how to maneuver through the differences that divide us, and show us how to focus on that which brings us together. We do await your guidance, and we thank you that you never leave us purposeless, or alone. So bless these deliberations today, and all that we do and say. In thy name.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Pérez, Assembly Member Nava 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 Member Gilmore.*

*Because of illness: Assembly Member Carter.*

(NOTE: For letter explaining the absence of Assembly Member Gilmore on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Regular Session for Wednesday, March 3, 2010.)

**ELECTION OF SPEAKER**

Assembly Member Torrico was granted unanimous consent that the vote on January 7, 2010 (Assembly Journal, page 3725), electing Assembly Member John A. Pérez to the Office of Speaker of the Assembly for the 2009–10 Regular Session, and the Oath of Office administered on March 1, 2010 (Assembly Journal, page 4183), by the Honorable Carlos R. Moreno, Associate Justice of the Supreme Court of California, be substituted in the 2009–10 Eighth Extraordinary Session.

**OATH OF OFFICE**

The following Oath of Office was administered to Speaker-elect John A. Pérez, on Monday, March 1, 2010 by the Honorable Carlos R. Moreno, Associate Justice of the Supreme Court of California.

**OATH**

*for the Office of Speaker of the Assembly*

I, John A. Pérez, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

JOHN A. PÉREZ

Subscribed and sworn to before me  
this 1st day of March  
A.D. 2010

ASSOCIATE JUSTICE CARLOS MORENO  
Supreme Court of California

**COMMUNICATIONS**

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

March 4, 2010

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

Dear Dotson: Please be advised that I am removing myself from the Assembly Appropriations Committee for the 2009–10 Eighth Extraordinary Session, creating a Democratic vacancy.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

March 4, 2010

*E. Dotson Wilson*

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

Dear Dotson: This is to advise you that I have created and appointed membership to following committees for the 2009–10 Eighth Extraordinary Session:

*Local Government*

Assemblymember Anna Caballero, Chair  
Assemblymember Steve Knight, Vice Chair  
Assemblymember Juan Arambula  
Assemblymember Mike Davis  
Assemblymember Dan Logue  
Assemblymember Nancy Skinner  
Democratic vacancy

*Natural Resources*

Assemblymember Nancy Skinner, Chair  
Assemblymember Danny Gilmore, Vice Chair  
Assemblymember Julia Brownley  
Assemblymember Wesley Chesbro  
Assemblymember Kevin de León  
Assemblymember Jerry Hill  
Assemblymember Jared Huffman  
Assemblymember Steve Knight  
Assemblymember Dan Logue

*Water, Parks and Wildlife*

Assemblymember Jared Huffman, Chair  
Assemblymember Jean Fuller, Vice Chair  
Assemblymember Joel Anderson  
Assemblymember Juan Arambula  
Assemblymember Tom Berryhill  
Assemblymember Bob Blumenfield  
Assemblymember Anna Caballero  
Assemblymember Nathan Fletcher  
Assemblymember Bonnie Lowenthal  
Assemblymember Mary Salas  
Assemblymember Mariko Yamada  
2 Democratic vacancies

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

**MESSAGES FROM THE SENATE**

Senate Chamber, March 4, 2010

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

Assembly Bill No. 6

And respectfully requests the Assembly to concur in said amendments

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

Above bill ordered to unfinished business file.

Senate Chamber, March 4, 2010

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

Assembly Bill No. 9

And respectfully requests the Assembly to concur in said amendments

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

Above bill ordered to unfinished business file.

Senate Chamber, March 4, 2010

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

Assembly Bill No. 14

And respectfully requests the Assembly to concur in said amendments

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

Above bill ordered to unfinished business file.

**CAUCUS ANNOUNCEMENTS**

At 9:54 a.m., Assembly Member Torrico was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

**RECESS**

By unanimous consent, at 9:54 a.m., Speaker John A. Pérez declared the Assembly recessed.

**RECONVENED**

At 10:53 a.m., the Assembly reconvened.

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

**RECESS**

By unanimous consent, at 10:53 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed to reconvene Regular Session.

**RECONVENED**

At 10:59 a.m., the Assembly reconvened.

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

**CONSIDERATION OF DAILY FILE  
THIRD READING OF SENATE BILLS**

**SENATE BILL NO. 29 (Steinberg)**—An act to add Sections 19852.2, 19852.3, and 19852.4 to the Government Code, relating to public employment.

Bill read third time.

**Motion to Amend by Assembly Member De La Torre**

Assembly Member De La Torre moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**SENATE BILL NO. 32 (Wolk)**—An act to amend Sections 17008.5, 17020.6, 17024.5, 17041, 17052.12, 17062, 17063, 17072, 17085, 17132.5, 17144.5, 17152, 17206, 17250, 17250.5, 17255, 17275.5, 17276, 17501, 17551, 17952.5, 18165, 18180, 18631, 19116, 19131, 19134, 19164, 19166, 19172, 19179, 19443, 21015.5, 23045, 23051.5, 23456, 23609, 23712, 23732, 23772, 24305, 24356, 24357, 24357.1, 24357.7, 24358, 24416, 24949.5, 24990.6, and 24993 of, to add Sections 17020.15, 17131.3, 17132.8, 17204, 17225, 17257, 17257.2, 17257.4, 17275.2, 17275.3, 17279.6, 17560.5, 17681.3, 17755, 18031.5, 18037.5, 18151.5, 18155.6, 19165, 19172.5, 19185, 19186, 23046.5, 23703.7, 24303, 24329, 24349.2, 24462, 24831.3, 24941.5, 24950.5, 24990.2, and 24990.8 to, and to repeal Sections 24355.3, 24981, and 24988 of, the Revenue and Taxation Code, relating to taxation.

Bill read third time.

**Motion to Amend by Assembly Member Calderon**

Assembly Member Calderon moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY RULE 77 SUSPENDED**

Assembly Member Torrico, on behalf of Assembly Member Evans, was granted unanimous consent that Assembly Rule 77 be suspended to permit consideration of Senate amendments to Assembly Bills Nos. 6, 9, and 14 without reference to file.

**CONSIDERATION OF SENATE AMENDMENTS  
WITHOUT REFERENCE TO FILE**

**ASSEMBLY BILL NO. 6 (Committee on Budget)**—An act to add Section 41204.2 to the Education Code, and to amend Sections 7360 and 60050 of, and to add Sections 6051.8, 6201.8, 6357.7, 7361.1, and 7653.1 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill presented by Assembly Member Evans.

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.)*

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

**AYES—41**

Ammiano	De La Torre	Hernandez	Saldaña
Arambula	De León	Hill	Skinner
Bass	Eng	Huffman	Solorio
Beall	Evans	Jones	Swanson
Blumenfield	Feuer	Lieu	Torlakson
Bradford	Fong	Lowenthal	Torrico
Brownley	Fuentes	Ma	Yamada
Calderon	Furutani	Monning	Mr. Speaker
Chesbro	Galgiani	Portantino	
Coto	Hall	Ruskin	
Davis	Hayashi	Salas	

**NOES—32**

Adams	Cook	Harkey	Nielsen
Anderson	DeVore	Jeffries	Norby
Berryhill, B.	Emmerson	Knight	Pérez, V.M.
Berryhill, T.	Fletcher	Logue	Silva
Blakeslee	Fuller	Miller	Smyth
Buchanan	Gaines	Nava	Strickland
Caballero	Garrick	Nestande	Tran
Conway	Hagman	Niello	Villines

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 9 (Committee on Budget)**—An act to amend Section 16965 of the Government Code, to amend Sections 99312, 99314.6, and 99315 of the Public Utilities Code, to add Sections 7102.1 and 7104.4 to, to add and repeal Section 7103.1 of, and to repeal Section 7103 of, the Revenue and Taxation Code, and to amend Sections 183.1 and 2103 of the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

Bill presented by Assembly Member Evans.

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.)*

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

**AYES—44**

Ammiano	Davis	Hayashi	Portantino
Arambula	De La Torre	Hernandez	Ruskin
Bass	De León	Hill	Salas
Beall	Eng	Huffman	Saldaña
Block	Evans	Jones	Skinner
Blumenfield	Feuer	Lieu	Solorio
Bradford	Fong	Lowenthal	Swanson
Brownley	Fuentes	Ma	Torlakson
Caballero	Furutani	Mendoza	Torrico
Chesbro	Galgiani	Monning	Yamada
Coto	Hall	Pérez, V.M.	Mr. Speaker

**NOES—30**

Adams	DeVore	Jeffries	Norby
Anderson	Emmerson	Knight	Silva
Berryhill, B.	Fletcher	Logue	Smyth
Berryhill, T.	Fuller	Miller	Strickland
Blakeslee	Gaines	Nava	Tran
Buchanan	Garrick	Nestande	Villines
Conway	Hagman	Niello	
Cook	Harkey	Nielsen	

Above bill ordered enrolled.



**ASSEMBLY BILL NO. 14 (Committee on Budget)**—An act to amend Sections 16324, 16325, 16325.5, and 16326 of the Government Code, and to amend Section 2103.1 of the Streets and Highways Code, relating to state cash resources, and declaring the urgency thereof, to take effect immediately.

Bill presented by Assembly Member Evans.

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	Davis	Hayashi	Portantino
Ammiano	De La Torre	Hernandez	Ruskin
Arambula	De León	Hill	Salas
Bass	DeVore	Huffman	Saldaña
Beall	Emmerson	Jones	Silva
Berryhill, B.	Eng	Knight	Skinner
Blakeslee	Evans	Lieu	Smyth
Block	Feuer	Lowenthal	Solorio
Blumenfield	Fong	Ma	Strickland
Bradford	Fuentes	Mendoza	Swanson
Brownley	Furutani	Monning	Torlakson
Buchanan	Gaines	Nava	Torrico
Calderon	Galgiani	Niello	Tran
Chesbro	Garrick	Nielsen	Villines
Cook	Hagman	Norby	Mr. Speaker
Coto	Hall	Pérez, V.M.	

**NOES—7**

Anderson	Caballero	Harkey	Miller
Berryhill, T.	Fuller	Logue	

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

**AYES—63**

Adams	Davis	Hayashi	Portantino
Ammiano	De La Torre	Hernandez	Ruskin
Arambula	De León	Hill	Salas
Bass	DeVore	Huffman	Saldaña
Beall	Emmerson	Jones	Silva
Berryhill, B.	Eng	Knight	Skinner
Blakeslee	Evans	Lieu	Smyth
Block	Feuer	Lowenthal	Solorio
Blumenfield	Fong	Ma	Strickland
Bradford	Fuentes	Mendoza	Swanson
Brownley	Furutani	Monning	Torlakson
Buchanan	Gaines	Nava	Torrico
Calderon	Galgiani	Niello	Tran
Chesbro	Garrick	Nielsen	Villines
Cook	Hagman	Norby	Mr. Speaker
Coto	Hall	Pérez, V.M.	

**NOES—7**

Anderson	Caballero	Harkey	Miller
Berryhill, T.	Fuller	Logue	

Above bill ordered enrolled.

**RE-REFERENCE OF BILLS**

Assembly Member Ma was granted unanimous consent that the following bill be re-referred as noted pursuant to Assembly Rule 96:

Senate Bill No. 34 from the Committee on Utilities and Commerce to the Committees on Water, Parks and Wildlife and Appropriations.

**REFERENCE OF BILLS TO COMMITTEE**

Assembly Member Torrico was granted unanimous consent that Senate Bill No. 26 be referred to the Committees on Local Government, Natural Resources, and Appropriations.

**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. 6, Concurrence:** Nava and V.M. Pérez—No.

**Assembly Bill No. 9, Concurrence:** Harkey and Nava—No.

**Assembly Bill No. 14, Urgency and Concurrence:** Gaines, Knight, and Villines—Aye; Tom Berryhill and Miller—No.

**AUTHOR'S AMENDMENTS****Committee on Local Government**

March 4, 2010

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

Senate Bill No. 26

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

CABALLERO, Chair

**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.

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.

**MESSAGES FROM THE SENATE**

Senate Chamber, March 4, 2010

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

Senate Bill No. 30

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. 30**—An act relating to the California Conservation Corps, and making an appropriation therefor.

**ADJOURNMENT**

At 11:21 a.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 4, 2010**

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

<b>SB</b>	<b>RN</b>
26	1006929
26	1007118
29	1006720
32	1006895

**Daily Total: 3**

**Cumulative Total: 17**

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