

CALIFORNIA LEGISLATURE  
2009–10 EIGHTH EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, March 11, 2010**

**TWENTY-FIFTH SESSION DAY**

**SIXTY-FIRST 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)

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1-8x-mj (1-5)

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, March 11, 2010

The Assembly met at 9:30 a.m.

Hon. Lori Saldaña, Speaker pro Tempore 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—76:

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

Quorum present.

**PRAYER**

Upon invitation of Speaker pro Tempore Saldaña, the following prayer was offered by Assembly Member Bonnie Lowenthal, of the 54th Assembly District:

*Creator, Help us to welcome each day as if it were our first, so that we may have enthusiasm in our souls, excitement in our hearts, and warmth in our dispositions. Help us to welcome each day as if it were our last, so that we may have an urgency in our efforts, a deep concern for the world in our minds and the peace and love of the Creator in our hearts.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Saldaña, Assembly Member Niello 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 Speaker Pérez, 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 Caballero, Evans, and Villines.*

**RECESS**

By unanimous consent, at 10:10 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed to permit the introduction of special guests.

By unanimous consent, the following introduction was ordered printed in the Regular Session.

Assembly Member Mendoza introduced David Loving, Senior Vice President/Regional Director, Northern California, Maria L. Gutiérrez, Vice President/General Manager, Fresno, Steve Stuck, Vice President/General Manager, Sacramento, Theresa Ford, Vice President/General Manager, Bakersfield, Maelia Macin, Vice President/General Manager, Los Angeles, Jose Elgorriaga, General Sales Manager, Fresno, Sandi Stretch, Director of Sales, San Francisco, George Ray, Political Specialist, Univision, Ivelisse Estrada, Senior Vice President, Corporate and Community Relations.

Assembly Member Mendoza recognized Univision for its commitment to entertain and inform the Hispanic community by providing air time for public service announcements and through their partnerships with non-profit foundations, community groups, and civil rights organizations.

**RECONVENED**

At 10:13 a.m., the Assembly reconvened  
Hon. Lori Saldaña, Speaker pro Tempore of the Assembly, presiding.

**RECESS**

By unanimous consent, at 10:22 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed to reconvene Regular Session.

**RECONVENED**

At 10:42 a.m., the Assembly reconvened.

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

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 34**—An act to add Sections 2069, 2099, and 2099.5 to the Fish and Game Code, to amend Sections 11430.30, 11430.70, and 11430.80 of the Government Code, and to add Section 25524 to the Public Resources Code, relating to energy, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**SENATE BILL NO. 26**—An act to amend Section 26011 of, and 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; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**CONSIDERATION OF SENATE BILL NO. 34  
BY UNANIMOUS CONSENT**

Assembly Member Blumenfield was granted unanimous consent to take up Senate Bill No. 34, without reference to file, for purpose of consideration.

**SENATE BILL NO. 34 (Padilla)**—An act to add Sections 2069, 2099, and 2099.5 to the Fish and Game Code, to amend Section 11430.70 of the Government Code, and to add Section 25524 to the Public Resources Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—71**

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

**NOES—3**

Anderson	DeVore	Gaines
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The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—71**

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

**NOES—3**

Anderson	DeVore	Gaines
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Bill ordered transmitted to the Senate.

**CAUCUS ANNOUNCEMENTS**

At 10:56 a.m., Assembly Member Garrick was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 10:56 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

**RECONVENED**

At 11:16 a.m., the Assembly reconvened.

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

**BILL ORDERED TRANSMITTED TO SENATE**

Assembly Member Torrico was granted unanimous consent that Senate Bill No. 34 be transmitted to the Senate immediately.

**RECESS**

By unanimous consent, at 11:24 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed to reconvene Regular Session.

**RECONVENED**

At 11:43 a.m., the Assembly reconvened.

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

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Torrico, on behalf of Assembly Member Evans, was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Assembly Bill 8x 7**

February 25, 2010

*The Honorable Darrell Steinberg  
Senate President pro Tem  
State Capitol, Room 205  
Sacramento, California*

Dear President pro Tempore Steinberg: This letter is to clarify the amendments to Public Resources Code 14581(a)(6)(C) as proposed in Assembly Bill 8x 7 as it was approved by the Senate on February 18, 2010.

These amendments ‘cap’ the amount of funds used to reduce the processing fees paid by manufacturers so that the total annual amount of reduction for each container type in each of the calendar years 2010 and 2011 does not exceed the total annual amount expended by the department to reduce processing fees for that particular container type in calendar year 2008. Also, the cap does not affect the processing payments to be made to recyclers in calendar years 2010 or 2011.

Respectfully,

NOREEN EVANS, Assembly Member  
Seventh District

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 1—Torrico.** Relative to final adjournment of the 2009–10 Eighth Extraordinary Session of the Legislature.

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

**ASSEMBLY CONCURRENT RESOLUTION NO. 1 (Torrico)**—Relative to final adjournment of the 2009–10 Eighth Extraordinary Session of the Legislature.

Resolution read, and adopted by the following vote:

**AYES—63**

Adams	De La Torre	Hernandez	Ruskin
Ammiano	De León	Hill	Salas
Anderson	DeVore	Huffman	Saldaña
Beall	Emmerson	Jeffries	Silva
Blakeslee	Eng	Jones	Skinner
Block	Feuer	Knight	Smyth
Blumenfield	Fletcher	Lieu	Solorio
Bradford	Fong	Logue	Strickland
Brownley	Fuentes	Lowenthal	Swanson
Buchanan	Fuller	Ma	Torlakson
Calderon	Furutani	Miller	Torres
Carter	Gaines	Monning	Torrico
Chesbro	Garrick	Nava	Tran
Cook	Gilmore	Nielsen	Yamada
Coto	Hagman	Pérez, V.M.	Mr. Speaker
Davis	Hayashi	Portantino	

**NOES—1**

Harkey

**BILL ORDERED TRANSMITTED TO SENATE**

Assembly Member Torrico was granted unanimous consent that Assembly Concurrent Resolution No. 1 be transmitted to the Senate immediately.

**MESSAGES FROM THE SENATE**

Senate Chamber, March 11, 2010

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

Assembly Concurrent Resolution No. 1

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

Above resolution ordered enrolled.

Senate Chamber, March 11, 2010

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 32  
Senate Bill No. 34

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

Senate Chamber, March 11, 2010

Mr. Speaker: I am directed to inform your honorable body that the Senate returns without further action:

Assembly Bill No. 13	Assembly Bill No. 18
Assembly Bill No. 15	Assembly Bill No. 19
Assembly Bill No. 16	Assembly Bill No. 20
Assembly Bill No. 17	

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

**REPORTS OF STANDING COMMITTEES**

**Committee on Utilities and Commerce**

March 11, 2010

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Senate Bill No. 31

Without action.

FUENTES, Chair

Above bill ordered transmitted to the Senate.

**Committee on Rules**

March 11, 2010

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 8

Without action.

LIEU, Chair

Above bill ordered filed with the Chief Clerk.

**MEASURES WHICH DIED AT DESK**

Assembly Bills Nos. 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43; and Assembly Constitutional Amendment No. 1.

Senate Bills Nos. 27 and 30; Senate Concurrent Resolution No. 1.

**MEASURES WHICH DIED ON SECOND READING**

The following bill died on second reading: Senate Bill No. 26.

**MEASURES WHICH DIED ON UNFINISHED BUSINESS—  
GOVERNOR'S VETO PENDING**

Assembly Bill No. 2.

**RECONSIDERATION PENDING**

Assembly Bill No. 4.

**MEASURES WHICH DIED ON THIRD READING**

The following bills died on third reading: Senate Bills Nos. 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

**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. 34 and Urgency:** Jones and Miller—Aye; Anderson and DeVore—No.

**Assembly Concurrent Resolution No. 1:** Fuller and Hayashi—Aye.

**ADJOURNMENT**

At 11:44 a.m., pursuant to a motion by Assembly Member Torrico and the provisions of Assembly Concurrent Resolution No. 1, the 2009–10 Eighth Extraordinary Session of the Legislature adjourned *sine die*.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 11, 2010**

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

**SB RN**

36 1007494

34 1007469

**Daily Total: 2**

**Cumulative Total: 21**

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