

CALIFORNIA LEGISLATURE
2009–10 THIRD EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 26, 2009
TWENTY-FOURTH SESSION DAY
EIGHTY-FIRST 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, March 26, 2009

The Assembly met at 9:50 a.m.
Hon. Lori Saldaña, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Chief Clerk Sue Parker reading.

ROLL CALL

The roll was called, and the following answered to their names—74:

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

Quorum present.

PRAYER DEFERRED

Without objection, Speaker pro Tempore Saldaña deferred the prayer until later in today's session.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Saldaña, Assembly Member Arambula 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 Blakeslee.

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 Fletcher, Lieu, and Silva.

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

Because of illness: Assembly Members Davis and Logue.

(NOTE: For explanations of absences of Assembly Members Fletcher, Lieu, and Silva on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Daily Journal for the Regular Session for this day.)

PRAYER

Upon invitation of Speaker pro Tempore Saldaña, the following prayer was offered by Guest Chaplain, Father James Murphy of the Sacramento Cathedral of the Blessed Sacrament:

Prayer of the Farm Workers Struggle

Show me the suffering of the most miserable;
 So I will know my people's plight.
 Free me to pray for others;
 For you are present in every person.
 Help me take responsibility for my own life;
 So that I can be free at last.
 Grant me courage to serve others;
 For in service there is true life.
 Give me honesty and patience;
 So that I can work with other workers.
 Bring forth song and celebration;
 So that the Spirit will be alive among us.
 Let the Spirit flourish and grow;
 So that we will never tire of the struggle.
 Let us remember those who have died for justice;
 For they have given us life.
 Help us love even those who hate us;
 So we can change the world.

AMEN.

Oración del Campesino en la Lucha

Enséñame el sufrimiento de los más desafortunados;
 Así conoceré el dolor de mi pueblo.
 Líbrame a orar por los demás;
 Porque estás presente en cada persona.
 Ayúdame a tomar responsabilidad de mi propia vida;
 Sólo así seré libre al fin.
 Concédeme valentía para servir al prójimo;
 Porque en la entrega hay vida verdadera.
 Concédeme honradez y paciencia;
 Para que yo pueda trabajar junto con otros trabajadores.
 Alúmbranos con el canto y la celebración;
 Para que levanten el Espíritu entre nosotros.
 Que el Espíritu florezca y crezca;
 Para que no nos cansemos entre la lucha.
 Nos acordamos de los que han caído por la justicia;
 Porque a nosotros han entregado la vida.
 Ayúdanos a amar aún a los que nos odian;
 Así podremos cambiar el mundo.

AMEN.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS**

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 20 (Bass)—An act to add Article 12 (commencing with Section 8879.77) to Chapter 12.491 of Division 1 of Title 2 of the Government Code, and to add Chapter 9.5 (commencing with Section 2420) to Division 3 of the Streets and Highways Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Assembly Member Blumenfield.

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—71

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

NOES—None

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

AYES—71

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

NOES—None

Above bill ordered enrolled.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense with Constitutional Provision

By Assembly Member Lieu.

Resolved, That Senate Bills Nos. 24 and 27 present cases 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 bills be placed upon their passage.

Resolution read, and adopted by the following vote:

AYES—63

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

NOES—None

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

Second Reading of Senate Bills Nos. 24 and 27

SENATE BILL NO. 24—An act to amend Section 14005.25 of, and to repeal Section 14011.18 of, the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

SENATE BILL NO. 27—An act to add Section 116760.45 to the Health and Safety Code, and to amend Sections 10631.5, 13476, and 13480 of the Water Code, relating to drinking water, making an appropriation, therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**CONSIDERATION OF SENATE BILL NO. 24
BY UNANIMOUS CONSENT**

Assembly Member Jones was granted unanimous consent to take up Senate Bill No. 24 without reference to file, for purpose of consideration.

SENATE BILL NO. 24 (Alquist)—An act to amend Section 14005.25 of, and to repeal Section 14011.18 of, the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—66

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

NOES—1

DeVore

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—66

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

NOES—1

DeVore

Bill ordered transmitted to the Senate immediately.

CONSIDERATION OF SENATE BILL NO. 27 BY UNANIMOUS CONSENT

Assembly Member Carter was granted unanimous consent to take up Senate Bill No. 27 without reference to file, for purpose of consideration.

SENATE BILL NO. 27 (Negrete McLeod)—An act to add Section 116760.45 to the Health and Safety Code, and to amend Sections 10631.5, 13476, and 13480 of the Water Code, relating to drinking water, making an appropriation, therefor, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—73

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

NOES—None

The question being on the passage of the bill.
Bill passed by the following vote:

AYES—73

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

NOES—None

Bill ordered to the Senate immediately.

RECESS

By unanimous consent, at 10:18 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 11:04 a.m., the Assembly reconvened.

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

MESSAGES FROM THE SENATE

Senate Chamber, March 26, 2009

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

Assembly Bill No. 29

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

**CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 29
BY UNANIMOUS CONSENT**

Assembly Member Coto was granted unanimous consent to take up consideration of Senate amendments to Assembly Bill No. 29 without reference to file.

ASSEMBLY BILL NO. 29 (Coto)—An act to amend Sections 1032.5, 1275, 1277.5, 1329, and 1951 of, and to add Sections 1277.1 and 1329.5 to, Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor, .

Bill presented by Assembly Member Garrick.

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—60

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

NOES—6

Anderson	DeVore	Miller
Conway	Knight	Niello

Vote Changes

By unanimous consent, the following vote change was permitted on Concurrence in Senate Amendments to Assembly Bill No. 29: Assembly Member Nestande from “No” to “Not Voting”.

Above bill ordered enrolled.

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. 20, Concurrence: Adams, Tom Berryhill, Emmerson, Gaines, Hayashi, Knight, Miller, Price, Solorio, Torres, and Villines—Aye.

Invoke Constitution: Adams, Anderson, Tom Berryhill, Hayashi, Solorio, and Torres—Aye.

Senate Bill No. 24 and Urgency: Adams, Anderson, Gaines, Garrick, Hayashi, Knight, Nava, and Villines—Aye; DeVore—No.

Senate Bill No. 27: Adams, Anderson, Gilmore, and Hayashi—Aye.

Assembly Bill No. 29, Concurrence: Galgiani and Hayashi—Aye; Anderson—No.

MOTION TO ADJOURN

At 11:16 a.m., Assembly Member Krekorian moved that the Assembly do now adjourn.

Assembly Member Blakeslee seconded the motion.

Motion carried.

MESSAGES FROM THE SENATE

Senate Chamber, March 26, 2009

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

Assembly Bill No. 23

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

Above bill ordered enrolled.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 26, 2009

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

Assembly Bill No. 20

Assembly Bill No. 23

Assembly Bill No. 29

And reports the same correctly enrolled and presented to the Governor on the 26th day of March, 2009, at 4:45 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 4:50 p.m., the Assembly adjourned upon Call of the Speaker.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk