

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, July 23, 2009

ONE HUNDRED SEVENTH SESSION DAY

TWO HUNDRED THIRTY-FIFTH 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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, July 23, 2009

The Assembly met at 8 p.m.

Hon. Karen Bass, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Timothy Morland reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Kerkorian moved a quorum call of the Assembly.

Motion carried. Time, 9 p.m.

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

Quorum Present

At 9:07 p.m., Speaker Bass declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

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

PRAYER

Upon invitation of Speaker pro Tempore Saldaña, the following prayer was offered by Assembly Member Davis, of the 48th Assembly District:

Father, We thank You for these days of sunshine and warmth. We thank You for the dedicated efforts of so many men and women who are working for a better world and better human community. We are aware of the efforts of the men and women in this chamber, in the cause of human progress and human dignity. We ask You, Father, to bless them all for it is through them that You bring light and hope to the world.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Bass, Assembly Member Furutani 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.

COMMUNICATIONS

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

July 21, 2009

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

RE: Appointment of Mary Hayashi
to State Allocation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Mary Hayashi to the State Allocation Board for July 22, 2009 only.

Sincerely,

KAREN BASS
Speaker of the Assembly

July 20, 2009

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

RE: Appointment of Marsha Brown
to California Task Force on Youth and Workplace Wellness

Dear Mr. Wilson: Please be advised I have appointed Ms. Marsha Brown to the California Task Force on Youth and Workplace Wellness. This is a pleasure appointment starting July 20, 2009.

Sincerely,

KAREN BASS
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Select Committee on Schools and Community, Tuesday, July 28, 2009, at 12 noon, in Palo Alto.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Anderson was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting a guest to sit at his desk in the Assembly Chamber, whereupon he introduced his daughter, Mara Anderson.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 23, 2009

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

Assembly Constitutional Amendment No. 21

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

REPORTS

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2009-030

July 21, 2009

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As required by Chapter 342, Statutes of 1999, the California State Auditor presents this audit report concerning the State Bar of California's (State Bar) disciplinary system, discipline costs, cost recovery efforts, probation office, and responses to internal and external reviews. This report concludes that the State Bar's costs for its attorney disciplinary system, which account for nearly 80 percent of the State Bar's general fund expenditures, escalated from \$40 million to \$52 million from 2004 through 2008. Despite the rising costs, the number of disciplinary inquiries that the State Bar opened declined. Because of the way the State Bar tracks its discipline costs, it cannot fully measure the efficiency of its disciplinary system. Specifically, it does not account for its expenses by key disciplinary function, such as investigations and trials. Additionally, because of the way the State Bar tracks the time it spends to close investigations, it was unaware that, instead of the decreasing trend it had been reporting in this area, its investigative case processing time has actually increased over the past five years. Moreover, the State Bar has not reported its backlog consistently and has not included all pertinent information, and is therefore limiting stakeholders' and the Legislature's ability to measure the effectiveness of its disciplinary system. We also observed that by

making some relatively simple changes to its billing procedures and conducting a cost-benefit analysis of collection efforts, the State Bar could offset some of its discipline costs. Further, the State Bar's probation office could increase its ability to effectively monitor the growing number of probation cases by ensuring that its staff have reasonable workloads.

The State Bar has received many recommendations as a result of internal and external reviews of its operations but has not fully attended to some of these recommendations. For example, even though a consultant's 2007 review identified weaknesses in the State Bar's cost recovery process, the State Bar has not yet fully implemented some of the review's recommendations. The importance of fully correcting internal control weaknesses was highlighted subsequent to the consultant's review when the State Bar discovered an alleged embezzlement of almost \$676,000 by a former employee. Further, even though the State Bar formed an audit and review unit in 2004 to periodically audit discipline cases, the State Bar does not have a formal process in place to ensure recommendations resulting from these reviews are implemented. Additionally, as part of our current audit, we reviewed the State Bar's response to the 10 recommendations made in our April 2007 report titled *State Bar of California: With Strategic Planning Not Yet Completed, It Projects General Fund Deficits and Needs Continued Improvement in Program Administration* (2007-030). We determined that the State Bar fully implemented seven and partially implemented three of these recommendations. While the State Bar improved its strategic planning efforts as we recommended, work remains in reducing its discipline case backlog, improving cost recovery efforts, and adhering to internal policies related to discipline case processing.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Above report referred to the Committee on Judiciary.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 85—Torrico (Principal coauthors: Senators Corbett and Wright). Relative to New United Motor Manufacturing, Inc.

AUTHOR'S AMENDMENTS Committee on Appropriations

July 23, 2009

Mme. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 20

Senate Bill No. 256

Senate Bill No. 94

Senate Bill No. 400

Senate Bill No. 175

Senate Bill No. 674

Senate Bill No. 178

Senate Bill No. 752

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

DE LEÓN, Chair

SENATE BILL NO. 20—An act to amend Sections 1798.29 and 1798.82 of the Civil Code, relating to personal information.

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.

SENATE BILL NO. 94—An act to amend Sections 10085, 10133.1, and 10177 of, to add Section 10147.6 to, and to add and repeal Sections 6106.3 and 10085.6 of, the Business and Professions Code, to amend Section 2945.1 of, to add Section 2944.6 to, and to add and repeal Section 2944.7 of, the Civil Code, and to amend Section 22161 of the Financial Code, relating to mortgage loans, and declaring the urgency thereof, to take effect immediately.

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.

SENATE BILL NO. 175—An act to amend Sections 12070, 12072, 12078, and 12083 of the Penal Code, relating to firearms.

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.

SENATE BILL NO. 178—An act to add Section 14673.9 to the Government Code, relating to state property, 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.

SENATE BILL NO. 256—An act to add Section 14673.3 to the Government Code, relating to state property, 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.

SENATE BILL NO. 400—An act to amend Sections 22950.5, 22962, and 22971 of the Business and Professions Code, relating to tobacco.

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.

SENATE BILL NO. 674—An act to amend Sections 651 and 2023.5 of, and to add Section 2027.5 to, the Business and Professions Code, and to amend Sections 1248, 1248.15, 1248.2, 1248.25, 1248.35, 1248.5, and 1279 of the Health and Safety Code, relating to healing arts.

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.

SENATE BILL NO. 752—An act to add Section 31678.31 to the Government Code, relating to county employees' retirement, and declaring the urgency thereof, to take effect immediately.

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.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing: July 15, 2009

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 680

With amendments with the recommendation: Amend, and do pass, as amended.

DE LEÓN, Chair

Above bill ordered to second reading.

**CONSIDERATION OF SENATE BILL NO. 63
BY UNANIMOUS CONSENT**

Assembly Member Huber was granted unanimous consent to take up Senate Bill No. 63, out of order, for purpose of amendment.

SENATE BILL NO. 63 (Committee on Budget and Fiscal Review)—An act relating to the Budget Act of 2009.

Bill read third time.

Motion to Amend by Assembly Member Huber

Assembly Member Huber moved the adoption of amendments.

Amendments read and adopted.

RECESS

By unanimous consent, at 9:18 p.m., Speaker Bass declared the Assembly recessed to convene Fourth Extraordinary Session.

**TWO HUNDRED THIRTY-SIXTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, July 24, 2009

At 12 midnight.

Speaker pro Tempore Lori Saldaña, presiding.

RECONVENED

At 1:19 a.m., the Assembly reconvened.

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

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS**

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 763 (Chesbro)—An act to amend Section 19601.2 of, and to add Section 19596.21 to, the Business and Professions Code, relating to horse racing, 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—77

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

NOES—None

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

AYES—77

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

NOES—None

Above bill ordered enrolled immediately.

**SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

Senate Bills Nos. 90 and 220, ordered to third reading.

Senate Bills Nos. 627 and 748, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 388—An act to add Section 66407 to the Education Code, relating to college textbooks.

Bill read second time, and ordered to third reading.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 86—**Huffman**. Relative to Sonoma Wine Country Weekend.

ASSEMBLY CONCURRENT RESOLUTION NO. 87—**Huffman**. Relative to support for human rights for Iranian citizens.

ASSEMBLY JOINT RESOLUTION NO. 23—**De León**. Relative to the economy.

AUTHOR'S AMENDMENTS
Committee on Appropriations

July 24, 2009

Mme. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 830

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

DE LEÓN, Chair

SENATE BILL NO. 830—An act to amend Section 19401 of the Business and Professions Code, relating to horse racing.

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.

ACTION RESCINDED ON ASSEMBLY BILL NO. 681

Assembly Member Torrico was granted unanimous consent that Assembly Bill No. 681 be withdrawn from enrollment and that the action be rescinded whereby on July 6, 2009 (Assembly Journal, page 2385), the Assembly concurred in Senate amendments and ordered the bill enrolled; and that the bill be returned to the Senate for further action.

ACTION RESCINDED ON SENATE BILL NO. 340

Assembly Member Torrico was granted unanimous consent to rescind the action whereby the Assembly, on July 13, 2009 (Assembly Journal, page 2487), adopted the urgency clause and passed Senate Bill No. 340, and whereby the bill was ordered transmitted to the Senate.

BILLS REMOVED FROM CONSENT CALENDAR

The following bills were removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

Senate Bills Nos. 691 and 822, on request of Assembly Member Torrico.

BILLS PLACED ON INACTIVE FILE

The following bills were placed upon the inactive file:

Senate Bills Nos. 388 and 455, on request of Assembly Member Torrico.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY CONCURRENT RESOLUTION NO. 85
WITHOUT REFERENCE TO FILE**

Assembly Member Torrico requested unanimous consent to take up Assembly Concurrent Resolution No. 85 without reference to committee, print, or file.

Assembly Member Gaines withheld unanimous consent.

Motion to suspend the Rules

Assembly Member Torrico moved that the Rules be suspended for the purpose of permitting consideration of Assembly Concurrent Resolution No. 85 without reference to committee, print, or file.

Assembly Member Krekorian seconded the motion.

Rules suspended by the following vote:

AYES—47

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

NOES—28

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

Further Consideration of Assembly Concurrent Resolution No. 85

ASSEMBLY CONCURRENT RESOLUTION NO. 85 (Torrico)—Relative to New United Motor Manufacturing, Inc.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 85**

Assembly Member Torrico was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 85.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Torrico was granted unanimous consent to take up Assembly Concurrent Resolution No. 85, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 85, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 85—Relative to New United Motor Manufacturing, Inc.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate immediately.

RECESS

By unanimous consent, at 1:33 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed to reconvene Fourth Extraordinary Session.

RECONVENED

At 4:12 a.m., the Assembly reconvened.

Hon. Karen Bass, Speaker of the Assembly, presiding.

**CONSIDERATION OF SENATE BILL NO. 63, AS AMENDED,
BY UNANIMOUS CONSENT**

Assembly Member Huber was granted unanimous consent to take up Senate Bill No. 63, as amended, without reference to print or file, for purpose of consideration.

SENATE BILL NO. 63 (Strickland)—An act to amend Sections 11553 and 12805 of the Government Code, and to amend Sections 14510.5, 14510.6, 40110, 40431, 40501, 71300, 71301, 71302, 71303, 71304, and 71305 of, to amend the heading of Chapter 3 (commencing with Section 40400) of Part 1 of Division 30 of, to add Sections 40120.05, 40506.5, and 40506.7 to, to repeal Sections 40433, 40500, and 40504 of, to repeal and add Section 40430 of, and to repeal and add Article 1 (commencing with Section 40400) of Chapter 3 of Part 1 of Division 30 of, the Public Resources Code, relating to waste management, and making an appropriation therefor.

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

Bill passed by the following vote:

AYES—54

Adams	Davis	Harkey	Portantino
Anderson	De La Torre	Hernandez	Salas
Arambula	DeVore	Huber	Saldaña
Beall	Duvall	Jeffries	Silva
Berryhill, B.	Emmerson	Jones	Smyth
Berryhill, T.	Fletcher	Knight	Solorio
Blakeslee	Fong	Krekorian	Strickland
Block	Fuentes	Logue	Torlakson
Caballero	Fuller	Mendoza	Tran
Calderon	Gaines	Miller	Villines
Carter	Galgiani	Nestande	Yamada
Conway	Garrick	Niello	Mme. Speaker
Cook	Gilmore	Nielsen	
Coto	Hagman	Pérez, V.M.	

NOES—20

Ammiano	De León	Lieu	Ruskin
Blumenfield	Feuer	Lowenthal	Skinner
Brownley	Hayashi	Ma	Swanson
Buchanan	Hill	Nava	Torres
Chesbro	Huffman	Pérez, J.	Torricco

Bill ordered transmitted to the Senate immediately.

**CONSIDERATION OF SENATE BILL NO. 90
BY UNANIMOUS CONSENT**

Assembly Member Evans was granted unanimous consent to take up Senate Bill No. 90 without reference to file, for purpose of consideration.

SENATE BILL NO. 90 (Ducheny)—An act to amend and augment the Budget Act of 2007 (Chapters 171 and 172 of the Statutes of 2007) by amending Items 5225-001-0001 and 5225-002-0001 of, and augmenting Item 9840-001-0001 of, Section 2.00 of that act, and to augment the Budget Act of 2008 (Chapters 268 and 269 of the Statutes of 2008) by augmenting Item 9840-001-0001 of Section 2.00 of that act, relating to the State Budget, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

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, 4:45 a.m.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
URGENCY CLAUSE TO SENATE BILL NO. 90**

At 4:50 a.m., on motion of Assembly Member Torrico, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 90 adopted by the following vote:

AYES—56

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

NOES—22

Adams	Duvall	Jeffries	Strickland
Anderson	Fuller	Knight	Swanson
Berryhill, T.	Gaines	Logue	Tran
Conway	Gilmore	Miller	Villines
Cook	Hagman	Nestande	
DeVore	Harkey	Silva	

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—56

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

NOES—22

Adams	Duvall	Jeffries	Strickland
Anderson	Fuller	Knight	Swanson
Berryhill, T.	Gaines	Logue	Tran
Conway	Gilmore	Miller	Villines
Cook	Hagman	Nestande	
DeVore	Harkey	Silva	

Bill ordered transmitted to the Senate.

At 4:57 a.m., Speaker pro Tempore Lori Saldaña, 76th District, presiding

RECESS

By unanimous consent, at 4:59 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed to reconvene Fourth Extraordinary Session.

RECONVENED

At 5:04 a.m., the Assembly reconvened.

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

**URGENCY CLAUSE TO SENATE BILL NO. 116 RECONSIDERED
BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Nava was granted unanimous consent that the vote be reconsidered whereby the urgency clause to Senate Bill No. 116 was refused adoption.

Further Consideration of Urgency Clause to Senate Bill No. 116

SENATE BILL NO. 116 (Calderon)—An act to amend Sections 16430, 17211, 17212, 17222, 17240, 17243, 17244, 17245, 17253, 17271, 17275, and 17276 of the Government Code, relating to public finance, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—57

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

NOES—16

Anderson	DeVore	Harkey	Miller
Blakeslee	Fuller	Jeffries	Silva
Conway	Garrick	Knight	Smyth
Cook	Hagman	Logue	Strickland

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—57

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

NOES—16

Anderson	DeVore	Harkey	Miller
Blakeslee	Fuller	Jeffries	Silva
Conway	Garrick	Knight	Smyth
Cook	Hagman	Logue	Strickland

Bill ordered transmitted to the Senate.

CAUCUS ANNOUNCEMENTS

At 5:07 a.m., Assembly Member Blakeslee was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

At 5:15 a.m., Speaker Bass was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

RECESS

By unanimous consent, at 5:15 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 5:51 a.m., the Assembly reconvened.

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

RECESS

By unanimous consent, at 5:54 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed to reconvene Fourth Extraordinary Session.

RECONVENED

At 10:16 a.m., the Assembly reconvened.

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

MESSAGES FROM THE SENATE

Senate Chamber, July 24, 2009

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

Assembly Bill No. 1555

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.

Senate Chamber, July 24, 2009

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

Senate Concurrent Resolution No. 53

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

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 53—Relative to New United Motor Manufacturing, Inc.

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO
ASSEMBLY RULE 77.2**

Pursuant to Assembly Rule 77.2, the Speaker pro Tempore re-referred Assembly Bill No. 1555 to the Committee on Utilities and Commerce.

JOINT RULE 62(a) WAIVED

Assembly Member Torrico was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1555 for hearing in the Committee on Utilities and Commerce off the floor.

RECESS

By unanimous consent, at 10:41 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed to reconvene Fourth Extraordinary Session.

RECONVENED

At 11:06 a.m., the Assembly reconvened.

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

REPORTS OF STANDING COMMITTEES
Committee on Utilities and Commerce

Date of Hearing: July 24, 2009

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

Assembly Bill No. 1555

With the recommendation: That the Senate amendments be concurred in.

FUENTES, Chair

Above bill ordered to unfinished business.

**CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT
AND ASSEMBLY RULE 77 SUSPENDED**

Assembly Member V. Manuel Pérez was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 1555, without reference to file.

ASSEMBLY BILL NO. 1555 (V. Manuel Pérez)—An act to amend Section 281 of the Public Utilities Code, relating to telecommunications, 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

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

NOES—4

DeVore	Garrick	Harkey	Knight
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The roll was opened and the Assembly concurred in Senate amendments by the following vote:

AYES—69

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

NOES—4

DeVore	Garrick	Harkey	Knight
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Above bill ordered enrolled immediately.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Upon request of Assembly Member Torrico, the following statement of legislative intent by Assembly Member V. Manuel Pérez was printed in the Journal, by unanimous consent.

July 23, 2009

Mr. E. Dotson Wilson

Chief Clerk

California State Assembly

State Capitol, Room 3196

Sacramento, California

Dear Mr. Wilson: The purpose of this letter is to clarify the legislative intent of Assembly Bill 1555, which was introduced in order to maximize California's ability to leverage broadband-related funding authorized through the American Reinvestment Recovery Act of 2009 (Recovery Act). Specifically, the Recovery Act appropriates of \$4.7 billion under the Broadband Technology Opportunities Program and \$2.5 billion under the Broadband Initiatives Program, to be distributed through a competitive grant process, which requires applicants to secure a 20 percent non-federal match.

Under the provisions of the two federal Recovery Act programs, applicants are required to provide a 20 percent financial match from a non-federal revenue source. AB 1555 is intended to allow potential applicants for the federal broadband related programs to access moneys in the existing California Advanced Services Fund (CASF), to be used toward the matching requirement, so long as recipients use those CASF funds in a manner consistent with the CASF program. While AB 1555 expands the categorical universe of entities that are eligible to apply for the CASF moneys, the bill does not expand the CASF program nor does it authorize any expansion in the purposes for which CASF moneys can be expended, pursuant to the California Public Utilities Commission Decision 07-12-054.

Specifically, nothing in AB 1555 is intended to authorize the expenditure of CASF funds for projects other than for the deployment of broadband infrastructure facilities, nor is the bill intended to allow recipients to use CASF funds to pay for general operating or maintenance expenses.

It is my intent, should this bill be signed into law, to clarify these matters in an urgency measure in the 2009 Legislative session year in order to satisfy concerns over the bill's existing language.

Sincerely,

V. MANUEL PÉREZ, Assembly Member
Eightieth District

At 11:32 a.m., Hon. Fiona Ma, 12th District, presiding

At 11:58 a.m., Hon. Felipe Fuentes, 39th District, presiding

At 11:59 a.m., Speaker pro Tempore Lori Saldaña, 76th District, presiding

RECESS

By unanimous consent, at 12:01 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed to reconvene Fourth Extraordinary Session.

RECONVENED

At 3:16 p.m., the Assembly reconvened.

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

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

MOTION TO RECONSIDER BILL CONTINUED

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 964 was continued until Monday, August 17, 2009.

ADJOURN IN MEMORY

Speaker Bass was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Parrish Collins of Sacramento.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Huber was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Donald Lichliter of Modesto.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Hayashi was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Thomas Marovich of Hayward.

Assembly Member Nielsen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Duane Tomei of Redding.

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. 763, Urgency and Concurrence: De La Torre, Fuller and Krekorian—Aye.

Torrico Motion to Suspend the Rules: Galgiani—Aye; Fuller—No.

Assembly Concurrent Resolution No. 85, Coauthors: Blumenfield, Fuller, and Galgiani—Aye.

Senate Bill No. 63: Caballero, Carter, Coto, Davis, De La Torre, Fuentes, and V.M. Pérez—Aye; De León and Torrico—No.

Senate Bill No. 90: Niello—Aye; Tom Berryhill, Swanson, and Villines—No.

Senate Bill No. 116 and Urgency: Blumenfield, Mendoza, and Swanson—Aye.

Assembly Bill No. 1555, Urgency and Concurrence: Adams, Fletcher, Niello, Smyth, Strickland, and Villines—Aye.

MOTION TO ADJOURN

At 3:21 p.m., Assembly Member Adams moved that the Assembly do now adjourn.

Assembly Member Krekorian seconded the motion.

Motion carried.

CAUCUS ANNOUNCEMENTS

Speaker Bass announced that the Democratic Caucus would meet in the Assembly Lounge, upon adjournment of Floor session.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 3:22 p.m., Speaker pro Tempore Saldaña declared the quorum call of the Assembly dispensed with.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 24, 2009

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

Assembly Bill No. 1555

And reports the same correctly enrolled, and presented to the Governor on the 24th day of July, 2009, at 4:30 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 5:15 p.m., pursuant to the provisions of Joint Rule 51(a)(3) and the motion by Assembly Member Adams, the Assembly adjourned for the 2009 Summer Recess, until 12 noon, Monday, August 17, 2009, out of respect to the memory of Parrish Collins, on motion of Speaker Bass; out of respect to the memory of Donald Lichliter, on motion of Assembly Member Huber; out of respect to the memory of Thomas Marovich, on motion of Assembly Member Hayashi; and out of respect to the memory of Duane Tomei, on motion of Assembly Member Nielsen.

KAREN BASS, Speaker

AMY LEACH, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JULY 23, 2009

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

SB	RN
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20	0920496
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63	0920573
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94	0920268
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175	0919431
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178	0920269
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256	0920384
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400	0920294
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674	0919509
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752	0920265
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Daily Total:	9
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Cumulative Total:	2154
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**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 24, 2009**

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

SB RN

830 0920541

Daily Total: 1

Cumulative Total: 2155

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