

CALIFORNIA LEGISLATURE  
2009–10 THIRD EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, September 10, 2009**  
**SIXTY-FIRST SESSION DAY**  
**TWO HUNDRED FORTY-NINTH 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, September 10, 2009

The Assembly met at 5:20 p.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—79:

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

(\*NOTE: Assembly Member Bradford took and subscribed to the Oath of Office prior to the convening of Floor Session this day. For Official Canvass of Election, Certificate of Election, and Oath of Office, see pages 3252–3253 of this day's Regular Session Journal.)

**PRAYER**

Upon invitation of Speaker pro Tempore Saldaña, the following prayer was offered by Assembly Chaplain Father Constantine C. Pappademos:

*Lord, In heaven, Your will is automatic. There are no opposing forces of darkness or anything else that can come against You. On earth, we have to stand against those forces of darkness and refuse those negative and sinful thoughts. Open our hearts to Your will in this life, Lord, and help us to stand strong in our union with You.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Saldaña, Assembly Member Fuentes 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.

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

September 10, 2009

*The Honorable Karen Bass  
California Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Madame Speaker: I hereby respectfully submit my resignation as State Assemblymember of the 72nd Assembly District, effective September 9, 2009.

Respectfully,

MIKE DUVALL, Assembly Member  
Seventy-second District

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

September 10, 2009

*The Honorable Arnold Schwarzenegger  
Governor, State of California  
State Capitol—First Floor  
Sacramento, California*

Dear Governor Schwarzenegger: Pursuant to the Government Code and on behalf of the Speaker of the Assembly, The Honorable Karen Bass, I am forwarding a letter of resignation from Assembly Member Michael D. Duvall, effective September 9, 2009.

Sincerely,

E. DOTSON WILSON  
Chief Clerk

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 10, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 81

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to second reading file.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 81**—An act to add Section 65701 to the Government Code, relating to land use.

Bill read second time, and ordered to third reading.

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Dispense With Constitutional Provision**

By Assembly Member Hall.

*Resolved*, That Assembly Bill No. 81 presents a case 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 bill be placed upon its passage, and considered engrossed.

Resolution read, and adopted by the following vote:

**AYES—58**

Ammiano	Davis	Hayashi	Pérez, J.
Beall	De La Torre	Hernandez	Pérez, V.M.
Berryhill, B.	De León	Hill	Portantino
Berryhill, T.	Emmerson	Huber	Ruskin
Blakeslee	Evans	Jones	Skinner
Block	Feuer	Knight	Smyth
Blumenfield	Fong	Krekorian	Solorio
Bradford	Fuentes	Lieu	Swanson
Brownley	Fuller	Logue	Torlakson
Buchanan	Furutani	Lowenthal	Torres
Carter	Galgiani	Ma	Torrico
Chesbro	Gilmore	Mendoza	Yamada
Conway	Hagman	Monning	Mme. Speaker
Cook	Hall	Nava	
Coto	Harkey	Nestande	

**NOES—7**

Adams	DeVore	Garrick	Jeffries
Anderson	Fletcher	Huffman	

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

Bill read third time.

**Motion to Amend by Assembly Member Fletcher**

Assembly Member Fletcher moved the adoption of amendments.  
Amendments read.

**Motion to Table Fletcher Amendments  
to Assembly Bill No. 81**

Assembly Member Torrico moved that the amendments offered by Assembly Member Fletcher to Assembly Bill No. 81 be laid upon the table.

Assembly Member Krekorian seconded the motion.

Motion carried by the following vote:

**AYES—36**

Ammiano	Evans	Hill	Ruskin
Blumenfield	Feuer	Krekorian	Skinner
Bradford	Fong	Lieu	Solorio
Brownley	Fuentes	Ma	Swanson
Carter	Galgiani	Mendoza	Torlakson
Chesbro	Hagman	Nava	Torres
Coto	Hall	Pérez, J.	Torrico
Davis	Hayashi	Pérez, V.M.	Yamada
De León	Hernandez	Portantino	Mme. Speaker

**NOES—25**

Adams	Conway	Garrick	Niello
Anderson	Cook	Gilmore	Smyth
Arambula	DeVore	Harkey	Tran
Berryhill, B.	Emmerson	Huffman	Villines
Berryhill, T.	Fletcher	Jeffries	
Blakeslee	Fuller	Knight	
Block	Gaines	Logue	

**At 5:33 p.m., Speaker Karen Bass, 47th District, presiding**

**Further Consideration of Assembly Bill No. 81**

**ASSEMBLY BILL NO. 81 (Hall)**—An act to add Section 65701 to the Government Code, relating to land use.

Bill read third time.

**Assembly Rule 112 Suspended**

Assembly Member V. Manuel Pérez was granted unanimous consent that Assembly Rule 112 be suspended to permit him to read a paper on the Floor of the Assembly.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—54**

Adams	Emmerson	Hernandez	Portantino
Beall	Eng	Hill	Ruskin
Berryhill, B.	Evans	Huber	Silva
Berryhill, T.	Fong	Jeffries	Smyth
Blakeslee	Fuentes	Jones	Solorio
Bradford	Fuller	Knight	Strickland
Calderon	Furutani	Lieu	Swanson
Carter	Gaines	Logue	Torlakson
Conway	Galgiani	Ma	Torres
Cook	Gilmore	Mendoza	Torrico
Coto	Hagman	Miller	Villines
Davis	Hall	Nestande	Mme. Speaker
De La Torre	Harkey	Pérez, J.	
De León	Hayashi	Pérez, V.M.	

**NOES—18**

Anderson	Chesbro	Huffman	Salas
Arambula	DeVore	Monning	Saldaña
Block	Feuer	Nava	Yamada
Buchanan	Fletcher	Niello	
Caballero	Garrick	Nielsen	

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 81: Assembly Member Nava from “Aye” to “No”.

Bill ordered transmitted to the Senate immediately.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 83—Skinner (Coauthor: Senator Oropeza).** An act relating to housing, and making an appropriation therefor.

**ASSEMBLY BILL NO. 84—Gaines (Coauthor: Senator Denham).** An act to Sections 68055.1 and 68055.2 of the Government Code, to amend Sections 18909, 25141.6, 25143.12, 25150, 25197.2, 25201.1, 25213, 25214.8.13, 25214.10.1, 25218.9, 25218.10, 25244.6, 25244.15.1, 25250.1, 25250.15, 25250.18, 25250.19, 25312, 25313, 33459.1, 39762, 39763, 41705, 41805.5, and 41865.5 of, and to add Section 30 to, the Health and Safety Code, to amend Sections 10507.5, 12153, 12164.5, 12165, 12166, 12167, 12167.1, 12200, 12207, 12211, 12215, 12217, 12301, 12310, and 12320 of the Public Contract Code, to amend Sections 40051, 40054, 40059.1, 40062, 40063, 40106, 40117, 40127, 40130, 40131, 40145, 40148, 40150.2, 40183, 40184, 40194, 40910, 40911, 40912, 40913, 40950, 40972, 40973, 40974, 40975, 41030, 41031, 41032, 41033, 41220, 41300, 41330, 41331, 41332, 41333, 41420, 41510, 41720, 41721.5, 41733, 41734, 41750, 41770, 41780.05, 41780.1, 41781.1, 41781.2, 41781.3, 41782, 41783, 41783.1, 41784, 41786, 41787, 41787.1, 41787.2, 41787.3, 41787.4, 41790, 41791, 41791.1, 41791.2, 41791.5, 41794, 41800, 41801, 41801.5, 41802, 41810, 41810.1, 41811, 41811.5, 41812, 41813, 41820.5, 41820.6, 41821, 41821.1, 41821.2, 41821.3, 41821.5, 41821.6, 41822, 41825, 41850, 41850.5, 41851, 41903, 41956, 42000, 42002, 42005, 42007, 42012, 42013, 42014, 42015, 42019, 42020, 42023.1, 42023.3, 42023.4, 42023.5, 42023.6, 42024, 42106, 42171, 42172, 42240, 42241.5, 42244, 42244.5, 42245, 42252, 42291, 42291.5, 42292, 42293, 42294, 42295, 42296, 42297, 42301, 42310, 42310.1, 42310.2, 42310.3, 42320, 42321, 42322, 42323, 42325, 42326, 42327, 42330, 42356.1, 42359.7, 42410, 42411, 42414, 42415, 42441, 42443, 42450, 42461, 42463, 42464, 42465, 42474, 42475, 42475.2, 42475.4, 42476, 42477, 42478, 42479, 42485, 42500, 42501, 42510, 42511, 42520, 42540, 42551, 42555, 42556, 42557, 42558, 42561, 42562, 42600, 42601, 42602, 42605, 42621, 42635, 42640, 42641, 42642, 42645, 42646, 42647, 42648.1, 42648.2, 42648.5, 42650, 42651, 42700, 42703, 42760, 42770, 42773, 42774, 42775, 42780, 42781, 42782, 42783, 42791, 42811, 42812, 42820, 42821, 42822, 42823, 42823.5, 42825, 42830,

42831, 42832, 42833, 42835, 42841, 42843, 42844, 42845, 42846, 42846.5, 42847, 42847.5, 42848, 42849, 42850, 42851, 42855, 42867, 42871, 42872.5, 42855, 42873, 42874, 42875, 42880, 42881, 42882, 42883, 42885, 42885.5, 42888, 42889, 42889.3, 42910, 42912, 42920, 42921.5, 42924, 42925, 42926, 42927, 42951, 42952, 42953, 42954, 42955, 42956, 42960, 42961, 42961.5, 42962, 42962.5, 42963, 42964, 42966, 42967, 43020, 43020.1, 43030, 43035, 43040, 43050, 43101, 43103, 43200, 43201, 43202, 43204, 43205, 43207, 43209, 43209.1, 43210, 43211, 43212, 43212.1, 43214, 43215, 43215.1, 43216, 43216.5, 43217, 43218, 43219, 43220, 43230, 43231, 43232, 43300, 43301, 43302, 43303, 43304, 43305, 43306, 43307, 43308, 43309, 43310, 43310.1, 43501, 43501.5, 43502, 43504, 43505, 43506, 43507, 43508, 43509, 43510, 43600, 43601, 43601.5, 43603, 43606, 44000.5, 44001, 44002.1, 44003, 44004, 44005, 44006, 44007, 44008, 44009, 44010, 44014, 44018, 44100, 44104, 44152, 44202, 44203, 44309, 44820, 45000, 45002, 45003, 45005, 45010, 45010.1, 45010.2, 45011, 45012, 45013, 45014, 45016, 45017, 45018, 45019, 45020, 45021, 45022, 45023, 45024, 45025, 45030, 45031, 45032, 45040, 45041, 47050, 47102, 47103, 47104, 47106, 47107, 47108, 47120, 47121, 47122, 47123, 47200, 47201, 47202, 47203, 47901, 48000, 48004, 48005, 48006, 48020, 48021, 48022, 48022.5, 48023, 48023.5, 48025, 48026, 48027, 48028, 48100, 48101, 48103, 48104, 48106, 48202, 48204, 48205, 48206, 48632, 48634, 48640, 48641, 48642, 48643, 48644, 48645, 48650, 48650.2, 48650.5, 48651, 48652, 48653, 48655, 48656, 48657, 48660, 48660.5, 48661, 48662, 48670, 48671, 48671.5, 48672, 48673, 48674, 48675, 48676, 48680, 48690, 50000, 50000.5, 50001, 50001.5, 50002, 71011, 71017, 71071, 71300, 71302, 71303, and 71305 of, to amend the heading of Article 1.5 (commencing with Section 40910) of Chapter 1 of Part 2 of Division 30 of, to amend the heading of Article 1 (commencing with Section 41800) of Chapter 7 of Part 2 of Division 30 of, to repeal Sections 42416 and 48502 of, the Public Resources Code, to amend Section 7718 of the Public Utilities Code, to amend Sections 45855, 45863, 45981, and 45982 of the Revenue and Taxation Code, and to amend Section 31560 of the Vehicle Code, relating to solid waste.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing: September 10, 2009

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 33

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

DE LEÓN, Chair

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: September 10, 2009

Mme. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 13

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

AMMIANO, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Date of Hearing: September 10, 2009

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 13

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

DE LEÓN, Chair

Above bill ordered to second reading.

**VOTE ADDS**

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

**Invoke Constitution:** Lieu, Swanson, Torlakson, and Yamada—Aye; Adams, DeVore, and Huffman—No.

**Assembly Bill No. 81, Motion to Lay Fletcher Amendments on the Table:** Davis, Hayashi, Lieu, Mendoza, Swanson, Torlakson, and Yamada—Aye; Adams, DeVore, and Gaines—No.

**Assembly Bill No. 81:** DeVore and Garrick—No.

**RECESS**

By unanimous consent, at 6:52 p.m., Speaker Bass declared the Assembly recessed to reconvene Regular Session.

**ADJOURNMENT**

At 8:30 p.m., the Assembly adjourned to reconvene upon Call of the Speaker.

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KAREN BASS, Speaker

AMY LEACH, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON SEPTEMBER 10, 2009**

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Amendments were considered by the Assembly, but not adopted, to the following measure:

**AB**

81 (Fletcher amendments, RN0923534, laid upon the table)

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