

CALIFORNIA LEGISLATURE
2009–10 SIXTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, October 7, 2010
THIRTY-FIFTH SESSION DAY
THREE HUNDRED FORTY-SIXTH 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 Minute Clerk: Phone 916-319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, October 7, 2010

The Assembly met at 11:35 a.m.

Hon. Fiona Ma, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

File Clerk Russell C. Tomas reading.

ROLL CALL

The roll was called, and the following answered to their names—76:

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

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

Because of illness: Assembly Member Tom Berryhill.

The following Assembly Member was excused for the day, and his per diem was waived: Portantino.

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received and ordered printed in the Journal:

**A PROCLAMATION
BY THE GOVERNOR OF THE STATE OF CALIFORNIA**

WHEREAS, on September 29, 2009, I issued a proclamation to cause the Legislature to convene in extraordinary session to consider and act upon legislation relating to the state tax system; and

WHEREAS, an extraordinary occasion has arisen and now exists requiring that this proclamation be amended to include an additional subject in the extraordinary session.

NOW THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by Section 3(b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California on the 29th day of September 2009, at a time to be determined, and thereafter, for the following purposes and to legislate upon the following subjects:

1. To consider and act upon legislation to address and improve the state tax system, including but not limited to the following: establish a tax structure that fits with the state's 21st century, stabilize state revenues and reduce volatility, promote the long-term economic prosperity of the state and its citizens, improve California's ability to successfully compete with other states and nations for jobs and investments, reflect principles of sound tax policy, and ensure that the tax structure is fair and equitable.
2. To consider and act upon legislation to address the creation of a Secretary of Service and Volunteerism.

IN WITNESS WHEREOF I have hereunto set my hand
and caused the Great Seal of the State of California
to be affixed this 7th day
of October, 2010.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:

DEBRA BOWEN
Secretary of State



Receipt of Proclamation

I acknowledge receipt this 7th day of October, 2010 at 5:11 p.m., of a proclamation by the Governor, regarding the Sixth Extraordinary Session, delivered to me personally by Jacque Roberts.

SUE PARKER

Assistant Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY BILLS

The following bills were read the first time:

ASSEMBLY BILL NO. 9—Ammiano. An act to add Section 23394.1 to, and to add Chapter 19 (commencing with Section 26000) to Division 9 of, the Business and Professions Code, to amend Section 68152 of the Government Code, to amend Sections 1596.795, 11014.5, 11054, 11357, 11359, 11364.5, 11370, 11470, 11488, 11532, 11703, and 11705 of, to add Article 6 (commencing with Section 11310) to Chapter 5 of Division 10 of, and to repeal Sections 11358, 11360, and 11485 of, the Health and Safety Code, to add Part 14.6 (commencing with Section 34001) to Division 2 of the Revenue and Taxation Code, to amend Sections 23222 and 40000.15 of the Vehicle Code, and to amend Section 18901.3 of the Welfare and Institutions Code, relating to marijuana.

ASSEMBLY BILL NO. 10—Blumenfield. An act to add Section 65037.1 to the Government Code, relating to service and volunteering.

**THREE HUNDRED FORTY-SEVENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, October 8, 2010

At 12 midnight.

Speaker pro Tempore Ma, presiding.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense with Constitutional Provision

By Assembly Member Blumenfield

Resolved, That Assembly Bill No. 10 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.

Assembly Bill No. 10 Passed Temporarily

Assembly Member Calderon was granted unanimous consent to pass temporarily on the resolution to dispense with Article IV, Section 8(b) of the Constitution relative to Assembly Bill No. 10.

Parliamentary Inquiry

Assembly Member DeVore arose to the following parliamentary inquiry:

Did the Body adjourn *sine die* on August 31, 2010, and therefore, can the Body consider a non-urgency measure at this time?

Reply by Speaker pro Tempore Ma

The 2009–10 Session will adjourn *sine die* at midnight on November 30, 2010 pursuant to Article IV, Section 3(a) of the California Constitution. August 31st was the last day to pass non-urgency measures in the Regular Session pursuant to Article IV, Section 10(c) of the California Constitution and Joint Rule 61(b)(17). The Legislature may consider non-urgency measures after the August 31st deadline in Extraordinary Sessions.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense with Constitutional Provision

By Assembly Member Blumenfield

Resolved, That Assembly Bill No. 10 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—56

Ammiano	Conway	Gatto	Monning
Arambula	Coto	Gilmore	Nava
Bass	Davis	Hagman	Pérez, V.M.
Beall	De La Torre	Harkey	Ruskin
Berryhill, B.	De León	Hayashi	Salas
Block	Evans	Hernandez	Saldaña
Blumenfield	Feuer	Hill	Silva
Bradford	Fletcher	Jeffries	Skinner
Brownley	Fong	Jones	Smyth
Buchanan	Fuentes	Lieu	Solorio
Caballero	Fuller	Logue	Torlakson
Calderon	Furutani	Lowenthal	Torrico
Carter	Galgiani	Ma	Villines
Chesbro	Garrick	Mendoza	Mr. Speaker

NOES—14

Adams	Gaines	Miller	Tran
Anderson	Huber	Niello	Yamada
Cook	Huffman	Strickland	
DeVore	Knight	Swanson	

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

Second Reading of Assembly Bill No. 10

ASSEMBLY BILL NO. 10—An act to add Section 65037.1 to the Government Code, relating to service and volunteering.

Bill read second time.

**Consideration of Assembly Bill No. 10
by Unanimous Consent**

Assembly Member Blumenfield was granted unanimous consent to take up Assembly Bill No. 10 without reference to committee, print, or file, for purpose of consideration, and that the same be considered engrossed.

ASSEMBLY BILL NO. 10 (Blumenfield)—An act to add Section 65037.1 to the Government Code, relating to service and volunteering.

Bill read third time, and passed by the following vote:

AYES—43

Arambula	De León	Hayashi	Ruskin
Bass	Eng	Hernandez	Salas
Beall	Feuer	Hill	Silva
Block	Fletcher	Jeffries	Skinner
Blumenfield	Fong	Jones	Smyth
Brownley	Fuentes	Lieu	Solorio
Calderon	Furutani	Lowenthal	Torlakson
Carter	Galgiani	Nava	Torrice
Chesbro	Garrick	Nestande	Villines
Conway	Gilmore	Nielsen	Mr. Speaker
Davis	Harkey	Pérez, V.M.	

NOES—25

Adams	Coto	Huffman	Strickland
Ammiano	De La Torre	Knight	Swanson
Anderson	DeVore	Logue	Tran
Berryhill, B.	Evans	Mendoza	Yamada
Buchanan	Gaines	Miller	
Caballero	Gatto	Niello	
Cook	Huber	Norby	

Bill ordered transmitted to the Senate.

RECESS

By unanimous consent, at 3:34 a.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene the Regular Session.

RECONVENED

At 5:18 a.m., the Assembly reconvened.

Hon. Fiona Ma, Speaker pro Tempore of the Assembly, presiding.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 11—Hill (Coauthor: Senator Yee). An act to add Sections 195.176, 195.177, 195.178, 218.6, 17207.8, and 24347.10 to the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 1—Calderon. Relative to final adjournment of the 2009–10 Sixth Extraordinary Session of the Legislature.

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received and ordered printed in the Journal:

**A PROCLAMATION
BY THE GOVERNOR OF THE STATE OF CALIFORNIA**

WHEREAS, on September 29, 2009, I issued a proclamation to cause the Legislature to convene in extraordinary session to consider and act upon legislation relating to the state tax system; and

WHEREAS, on October 7, 2010, I issued a proclamation to cause the Legislature to convene in extraordinary session to consider and act upon legislation to address the creation of a Secretary of Service and Volunteerism; and

WHEREAS, an extraordinary occasion has arisen and now exists requiring that this proclamation be amended to include an additional subject in the extraordinary session.

NOW THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by Section 3(b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California on the 29th day of September 2009, at a time to be determined, and thereafter, for the following purposes and to legislate upon the following subjects:

1. To consider and act upon legislation to address and improve the state tax system, including but not limited to the following: establish a tax structure that fits with the state's 21st century, stabilize state revenues and reduce volatility, promote the long-term economic prosperity of the state and its citizens, improve California's ability to successfully compete with other states and nations for jobs and investments, reflect principles of sound tax policy, and ensure that the tax structure is fair and equitable.
2. To consider and act upon legislation to address the creation of a Secretary of Service and Volunteerism.
3. To consider and act upon legislation to provide for pension reform.

IN WITNESS WHEREOF I have hereunto set my hand
and caused the Great Seal of the State of California
to be affixed this 8th day
of October, 2010.

ARNOLD SCHWARZENEGGER
Governor of California

ATTEST:

DEBRA BOWEN
Secretary of State



Receipt of Proclamation

I acknowledge receipt this 8th day of October, 2010 at 4:18 a.m., of a proclamation by the Governor, regarding the Sixth Extraordinary Session, delivered to me personally by Jacque Roberts.

E. DOTSON WILSON
Chief Clerk of the Assembly

MESSAGES FROM THE SENATE

Senate Chamber, October 8, 2010

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

Senate Bill No. 22

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. 22—An act to add Section 65037.1 to the Government Code, relating to service and volunteering.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense with Constitutional Provision

By Assembly Member Blumenfield

Resolved, That Senate Bill No. 22 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.

Resolution read, and adopted by the following vote:

AYES—74

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

NOES—None

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

Second Reading of Senate Bill No. 22

SENATE BILL NO. 22—An act to add Section 65037.1 to the Government Code, relating to service and volunteering.

Bill read second time.

**Consideration of Senate Bill No. 22
by Unanimous Consent**

Assembly Member Garrick was granted unanimous consent to take up Senate Bill No. 22 without reference to committee or file, for purpose of amendment.

SENATE BILL NO. 22 (Ashburn)—An act to add Section 65037.1 to the Government Code, relating to service and volunteering.

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.

**Consideration of Senate Bill No. 22, as Amended
by Unanimous Consent**

Assembly Member Garrick was granted unanimous consent to take up Senate Bill No. 22 as amended, without reference to print or file, for purpose of consideration.

SENATE BILL NO. 22 (Hollingsworth)—An act to amend Sections 21251.13, 21353, 21354.1, 21363, 21363.1, 21363.3, 21363.4, 21369, and 21369.1 of, and to add Section 20037.15 to, the Government Code, relating to state employees.

Bill presented by Assembly Member Garrick.

Bill read third time, and passed by the following vote:

AYES—47

Adams	De La Torre	Hagman	Nestande
Ammiano	DeVore	Hall	Niello
Anderson	Evans	Harkey	Nielsen
Arambula	Feuer	Hill	Norby
Bass	Fletcher	Huber	Salas
Berryhill, B.	Fong	Huffman	Silva
Blumenfield	Fuentes	Knight	Smyth
Bradford	Fuller	Logue	Strickland
Buchanan	Gaines	Lowenthal	Tran
Calderon	Garrick	Ma	Villines
Chesbro	Gatto	Miller	Mr. Speaker
Conway	Gilmore	Monning	

NOES—10

Caballero	Hayashi	Ruskin	Torlakson
Coto	Lieu	Skinner	
Furutani	Mendoza	Swanson	

Vote Changes

By unanimous consent, the following vote changes were permitted on Senate Bill No. 22: Assembly Members Hayashi and Skinner from “Aye” to “No”; Assembly Member Torres from “Aye” to “Not Voting”; Assembly Member Galgiani from “No” to “Not Voting”.

Bills Ordered Transmitted to Senate

Assembly Member Calderon was granted unanimous consent that Senate Bill No. 22 be transmitted to the Senate immediately.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense with Constitutional Provision

By Assembly Member Hill

Resolved, That Assembly Bill No. 11 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—70

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

NOES—None

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

Second Reading of Assembly Bill No. 11

ASSEMBLY BILL NO. 11—An act to add Sections 195.176, 195.177, 195.178, 218.6, 17207.8, and 24347.10 to the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Assembly Bill No. 11
by Unanimous Consent**

Assembly Member Hill was granted unanimous consent to take up Assembly Bill No. 11 without reference to committee, print, or file, for purpose of consideration, and that the same be considered engrossed.

ASSEMBLY BILL NO. 11 (Hill)—An act to add Sections 195.176, 195.177, 195.178, 218.6, 17207.8, and 24347.10 to the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—73

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

NOES—None

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

AYES—73

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

NOES—None

Bill ordered transmitted to the Senate.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 1
BY UNANIMOUS CONSENT**

Assembly Member Calderon was granted unanimous consent to take up Assembly Concurrent Resolution No. 1 without reference to committee, print, or file, for purpose of consideration, and that the same be considered engrossed.

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

Resolution read, and adopted by the following vote:

AYES—75

Adams	Davis	Harkey	Norby
Ammiano	De La Torre	Hayashi	Pérez, V.M.
Anderson	De León	Hernandez	Ruskin
Arambula	DeVore	Hill	Salas
Bass	Eng	Huber	Saldaña
Beall	Evans	Huffman	Silva
Berryhill, B.	Feuer	Jeffries	Skinner
Block	Fletcher	Knight	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	Gatto	Nava	Villines
Conway	Gilmore	Nestande	Yamada
Cook	Hagman	Niello	Mr. Speaker
Coto	Hall	Nielsen	

NOES—None

Resolution ordered transmitted to the Senate.

ADJOURNMENT

At 5:34 a.m., pursuant to a motion by Assembly Member Calderon, and the provisions of Assembly Concurrent Resolution No. 1, the 2009–10 Sixth Extraordinary Session of the Legislature adjourned *sine die*.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON OCTOBER 8, 2010**

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

SB	RN
22	1025854

Daily Total:	1
Cumulative Total:	1

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