

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, October 26, 2009

**ONE HUNDRED TWENTY-FIFTH SESSION DAY
THREE HUNDRED THIRTIETH 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
Monday, October 26, 2009

At 12:07 p.m., pursuant to the provisions of Assembly Rules 2 and 26(a), the Assembly convened in session upon Call of Speaker Bass. (See Assembly Journal, page 3529.)

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.

Quorum Call of the Assembly

Assembly Member Cook moved a quorum call of the Assembly.
Motion carried.

At 12:09 p.m., Speaker pro Tempore Saldaña placed a quorum call upon the Assembly.

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

Quorum Present

At 12:42 p.m., Speaker pro Tempore Saldaña declared a quorum of the Assembly present.

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

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

PRAYER

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

Lord, Your invisible power is like a fountain, and the streams that flow from it are peace. Your presence and grace in our life produce a sense of peace . . . peace with our family, peace with those around us. Lord, fill our heart with peace and calmness so that we will know we have Your presence in our life and in all that we do.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

LEAVES OF ABSENCE FOR THE DAY

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

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

Because of illness: Assembly Member Tom Berryhill.

Because of a death in his family: Assembly Member Emmerson.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Veterans Affairs, to hold an informational hearing on Monday, November 9, 2009, at 10 a.m.; and

Environmental Safety and Toxic Materials to hold a joint informational hearing with the Committee on Natural Resources on Tuesday, November 17, 2009, in Los Angeles.

REPORTS

The following letters of transmittal were presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2009-501
October 15, 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: Under its authority to perform follow-up audits and those addressing areas of high risk, the California State Auditor presents its audit report concerning state mandate determination and payment processes.

This report concludes that while the Commission on State Mandates (Commission) has made progress in reducing its backlog of test claims for state mandates, the continuing backlog is large and includes many

items from 2003 or earlier. This situation, combined with the long time that elapses before the Commission makes determinations, means that substantial costs will continue to build before the Legislature has the information it needs to take any necessary action. In addition, cost estimates at the time the Legislature considers a potential mandate are inherently difficult to develop. This situation underscores the need for the Commission to more quickly complete the test claim process and develop a statewide cost estimate, which is the first accurate measure of what a mandate will actually cost the State.

The State Controller's Office (Controller) appropriately oversees mandate claims, but the continuing high level of its audit adjustments indicates that the State could save more money if the Controller were able to fill vacant audit positions. In addition, largely because of insufficient funding, the State's liability related to state mandates grew to \$2.6 billion in June 2008 and is likely to continue to climb. Further, participants in the mandate process have rarely used recently established options that could relieve the Commission of some of its workload, and a recent court case has taken away the Legislature's ability to direct the Commission to reconsider its decisions in light of changes to the law. For all of these reasons, additional reform proposals put forward by the Department of Finance, the Legislative Analyst's Office, and local entities merit further discussion. Finally, we have added the areas of mandate determination and payment to the list of high-risk issues we continue to monitor.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Above report referred to the Committee on Budget.

California State Auditor

2009-608
October 20, 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: The California State Auditor presents its high-risk report concerning overtime costs paid to state employees. Specifically, this report addresses overtime costs incurred at the Department of Mental Health (Mental Health) and the Department of Developmental Services (Developmental Services).

This report concludes that certain state entities incurred significant costs for overtime during fiscal years 2003–04 through 2007–08. Specifically, our review of payroll records for all state entities—excluding the Department of Corrections and Rehabilitation—showed that employees of five entities were paid at least 1.3 billion of the \$2.1 billion in overtime payments made to state employees during this five-year period. Furthermore, we noted that significant amounts of overtime were paid to a relatively small number of individuals in two classifications at Mental Health and Developmental Services. Bargaining unit agreements (agreements) do not provide these departments a method for distributing overtime evenly; nor do they

impose a cap on the amount of voluntary overtime an employee can work. As a result, a relatively small group of employees work many hours of overtime, while other individuals work little or no overtime, a situation we noted at Napa State Hospital and Sonoma Developmental Center. Individuals working excessive amounts of overtime may compromise their own and patients' or consumers' health and safety.

Until recently, agreements allowed leave time to be used when computing time worked for the purpose of calculating overtime pay. Specifically, state law enacted in February 2009 disallowed this practice; however, this same state law indicates that it may be superseded by agreements ratified subsequent to the law's effective date that once again could contain provisions that allow employees' leave time to be counted as time worked in computing overtime. Another reason for the significant amounts of overtime work at these facilities is the fluctuation in staffing ratios caused by the need to provide certain patients or consumers with one-on-one care. Because the departments' number of authorized positions does not take into consideration the need for staffing enhancements, these departments must rely on overtime to cover enhanced services.

To ensure that overtime hours worked are necessary, and to protect the health and safety of their employees, patients, and consumers, we recommended that Mental Health and Developmental Services encourage the Department of Personnel Administration (Personnel Administration) to include provisions in future agreements to cap the number of voluntary overtime hours an employee can work and to require that overtime hours be distributed more evenly among staff. In addition, we suggested that the departments encourage Personnel Administration to resist the inclusion of provisions in agreements that permit any type of leave to be counted as time worked for the purpose of calculating overtime compensation.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Above report referred to the Committee on Budget.

MESSAGES FROM THE SENATE

Senate Chamber, October 14, 2009

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

Assembly Bill No. 182
Assembly Bill No. 187
Assembly Bill No. 188
Assembly Bill No. 189

Assembly Bill No. 813
Assembly Bill No. 1009
Assembly Bill No. 1188
Assembly Bill No. 1575

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

Senate Chamber, October 14, 2009

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

Senate Bill No. 65
Senate Bill No. 66
Senate Bill No. 67
Senate Bill No. 81
Senate Bill No. 131
Senate Bill No. 132

Senate Bill No. 140
Senate Bill No. 313
Senate Bill No. 367
Senate Bill No. 517
Senate Bill No. 599
Senate Bill No. 832

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

October 14, 2009

The Honorable E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber

Dear Dotson: By direction of the Senate I am returning Senate Bill 85 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

Above bill ordered held at Desk.

REQUEST FOR PHOTOGRAPHER

Assembly Members Cook, Salas, and Saldaña were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

RE-REFERENCE OF BILLS

Assembly Member Torrico was granted unanimous consent that Assembly Bill No. 283 be re-referred from the Committee on Appropriations to the Committee on Natural Resources.

RECESS

By unanimous consent, at 12:44 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed to permit the introduction of a special guest.

Assembly Members Salas and Cook introduced Major General Anthony Jackson of the United States Marine Corps and recognized his becoming the Commanding General for the Marine Corps Installation West.

Without objection and by unanimous consent, Major General Jackson addressed the assemblage.

RECONVENED

At 12:50 p.m., the Assembly reconvened.

Hon. Isadore Hall, Assistant Speaker pro Tempore of the Assembly, presiding.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 68—An act to amend Sections 33690 and 33690.5 of the Health and Safety Code, relating to community redevelopment, and declaring the urgency thereof, to take effect immediately.

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

RE-REFERENCE OF BILLS

Assembly Member Torrico was granted unanimous consent that Assembly Bill No. 621 be re-referred from the Committee on Local Government to the Committee on Rules.

JOINT RULE 62(a) WAIVED

Assembly Member Torrico was granted unanimous consent that Joint Rule 62(a) be waived to permit the following bills to be heard in committees as noted:

Committee on Environmental Safety and Toxic Materials to hear Assembly Bill No. 1188 today upon Call of the Chair;

Committee on Governmental Organization to hear Assembly Bills Nos. 813 and 1575 today upon Call of the Chair;

Committee on Jobs, Economic Development, and the Economy to hear Assembly Bill No. 1009 today upon Call of the Chair;

Committee on Rules to meet today upon Call of the Chair.

ACTION RESCINDED ON SENATE BILL NO. 85

Assembly Member Torrico was granted unanimous consent to rescind the action whereby the Assembly, on September 11, 2009 (Assembly Journal, page 3360), passed Senate Bill No. 85, and whereby the bill was ordered transmitted to the Senate.

At 12:56 p.m., Speaker pro Tempore Lori Saldaña, 76th District, presiding

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

Pursuant to Assembly Rule 77.2, Speaker pro Tempore Saldaña re-referred the following Assembly bills to committees as noted:

Assembly Bill No. 1188, to the Committee on Environmental Safety and Toxic Materials;

Assembly Bills Nos. 813 and 1575, to the Committee on Governmental Organization;

Assembly Bill No. 1009, to the Committee on Jobs, Economic Development and the Economy.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 12:56 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

Assembly

Bill No.

Committee

1588 ----- B. & F.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Torrico announced that the Committee on Governmental Organization would meet immediately, in the Tom Bane Rules Committee Room.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 1 p.m., by unanimous consent, the members of the Committee on Governmental Organization were excused for the purpose of attending a meeting of the committee at this time in the Tom Bane Rules Committee Room, and, without objection, the House was permitted to continue in Floor session.

RECESS

By unanimous consent, at 1:02 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 1:20 p.m., the Assembly reconvened.
Hon. Lori Saldaña, Speaker pro Tempore of the Assembly, presiding.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 1:21 p.m., by unanimous consent, the members of the Committee on Environmental Safety and Toxic Materials were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

At 1:27 p.m., by unanimous consent, the members of the Committee on Jobs, Economic Development, and the Economy were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor session.

RECESS

By unanimous consent, at 1:27 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 1:40 p.m., the Assembly reconvened.
Hon. Lori Saldaña, Speaker pro Tempore of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Environmental Safety and Toxic Materials

Date of Hearing: October 26, 2009

Mme. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:
Assembly Bill No. 1188

With the recommendation: That Senate amendments be concurred in.

CHESBRO, Chair

Above bill ordered to unfinished business file.

Committee on Jobs, Economic Development, and the Economy

Date of Hearing: October 26, 2009

Mme. Speaker: Your Committee on Jobs, Economic Development, and the Economy reports:

Assembly Bill No. 1009

With the recommendation: That Senate amendments be concurred in.

V.M. PÉREZ, Chair

Above bill ordered to unfinished business file.

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. 1009, without reference to file.

ASSEMBLY BILL NO. 1009 (V. Manuel Pérez)—An act to amend Sections 8869.82, 91501, 91502, 91502.1, 91503, 91504, 91527, 91530, 91531, 91533, 91538, 91539, 91541, 91555, 91559, 91571, and 91573 of the Government Code, relating to bonds, 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—70

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

NOES—2

Anderson	DeVore
----------	--------

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

AYES—70

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

NOES—2

Anderson DeVore

Vote Changes

By unanimous consent, the following vote change was permitted on the urgency clause and on Concurrence in Senate Amendments to Assembly Bill No. 1009: Assembly Member Anderson from “Aye” to “No”.

Above bill ordered enrolled.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Torrico announced his intention to request that Assembly Bill No. 1358 be removed from the inactive file.

**CONSIDERATION OF ASSEMBLY BILL NO. 1358
BY UNANIMOUS CONSENT**

Assembly Member Feuer was granted unanimous consent to take up Assembly Bill No. 1358 out of order, without reference to file, for purpose of amendment.

ASSEMBLY BILL NO. 1358 (Hill)—An act to add Part 9 (commencing with Section 49700) to Division 30 of the Public Resources Code, relating to product management.

Bill read third time.

Motion to Amend

Assembly Member Feuer moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted.

**Further Consideration of Assembly Bill No. 1358
By Unanimous Consent**

Assembly Member Feuer was granted unanimous consent to take up Assembly Bill No. 1358 without reference to file, for purpose of consideration.

ASSEMBLY BILL NO. 1358 (Feuer)—An act to amend Section 4 of Chapter 217 of the Statutes of 2009, relating to vehicles, 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—76

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

NOES—None

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

AYES—76

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

NOES—None

Bill ordered transmitted to the Senate.

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

Assembly Member Ruskin was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 1188, without reference to file.

ASSEMBLY BILL NO. 1188 (Ruskin)—An act to amend Sections 25299.43, 25299.50.3, 25299.57, 25299.62, 25299.100, 25299.106, and 25299.107 of, and to add Section 25299.51.2 to, the Health and Safety Code, relating to hazardous materials, 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—70

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

NOES—1

Anderson

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

AYES—70

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

NOES—1

Anderson

Vote Changes

By unanimous consent, the following vote change was permitted on the urgency clause and on Concurrence in Senate Amendments to Assembly Bill No. 1188: Assembly Member Anderson from “Aye” to “No”.

Above bill ordered enrolled.

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

Assembly Member Evans was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 187, without reference to file.

ASSEMBLY BILL NO. 187 (Committee on Budget)—An act to amend Sections 69434, 69435, and 69436 of, and to add Article 8 (commencing with Section 69450) to Chapter 1.7 of Part 42 of Division 5 of Title 3 of, the Education Code, relating to student financial aid, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Assembly Member Evans.

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

NOES—4

Anderson	DeVore	Logue	Niello
----------	--------	-------	--------

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

AYES—69

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

NOES—4

Anderson	DeVore	Logue	Niello
----------	--------	-------	--------

Above bill ordered enrolled.

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

Assembly Member Evans was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 189, without reference to file.

ASSEMBLY BILL NO. 189 (Committee on Budget)—An act to amend, repeal, and add Section 5924 of the Government Code, relating to state finances, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Assembly Member Evans.

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—64

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

NOES—9

Anderson	Garrick	Knight
DeVore	Harkey	Logue
Fuller	Jeffries	Miller

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

AYES—64

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

NOES—9

Anderson	Garrick	Knight
DeVore	Harkey	Logue
Fuller	Jeffries	Miller

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS**

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 188 (Jones)—An act relating to public health, making an appropriation therefore, 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—61

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

NOES—8

Anderson	DeVore	Gaines	Knight
Blakeslee	Fletcher	Harkey	Strickland

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

AYES—61

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

NOES—8

Anderson	DeVore	Gaines	Knight
Blakeslee	Fletcher	Harkey	Strickland

Above bill ordered enrolled.

**CONSIDERATION OF SENATE BILL NO. 85
BY UNANIMOUS CONSENT**

Assembly Member Yamada was granted unanimous consent to take up Senate Bill No. 85 without reference to file, for purpose of amendment.

SENATE BILL NO. 85 (Cogdill)—An act to add Sections 96.11 and 97.81 to the Revenue and Taxation Code, relating to local government finance.

Bill read third time.

Motion to Amend

Assembly Member Yamada moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

RECESS

By unanimous consent, at 1:59 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 2:03 p.m., the Assembly reconvened.

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

**REPORTS OF STANDING COMMITTEES
Committee on Governmental Organization**

Date of Hearing: October 26, 2009

Mme. Speaker: Your Committee on Governmental Organization reports:

Assembly Bill No. 813

Assembly Bill No. 1575

With the recommendation: That Senate amendments be concurred in.

COTO, Chair

Above bills ordered to unfinished business file.

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

Assembly Member John A. Pérez was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 813, without reference to file.

ASSEMBLY BILL NO. 813 (John A. Pérez)—An act to add Section 25503.42 to the Business and Professions Code, relating to alcoholic beverages, 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—66

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

NOES—4

Buchanan	Chesbro	Huber	Huffman
----------	---------	-------	---------

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

AYES—66

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

NOES—4

Buchanan	Chesbro	Huber	Huffman
----------	---------	-------	---------

Above bill ordered enrolled.

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

Assembly Member Coto was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 1575, without reference to file.

ASSEMBLY BILL NO. 1575 (Committee on Governmental Organization)—An act to amend Sections 19510, 19513, 19605.7, 19605.71, 19605.9, and 19606.3 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill presented by Assembly Member Coto.

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—73

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY RULE 77 SUSPENDED

Assembly Member Torrico was granted unanimous consent to suspend Assembly Rule 77 to permit consideration of Senate amendments to Assembly Bill No. 182.

BILLS ENGROSSED

Assembly Member Torrico was granted unanimous consent that all Assembly bills be deemed engrossed and be immediately transmitted to the Governor.

RECESS

By unanimous consent, at 2:14 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 2:18 p.m., the Assembly reconvened.

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

ADJOURN IN MEMORY

Assembly Members Arambula and Villines were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Don Laub of Fresno.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Calderon and Nielsen were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Robert Beverly of Manhattan Beach (Assembly Member, 1967 to 1976 and State Senator, 1977 to 1996).

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Garrick was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William "Bill" E. Poole of San Diego.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Garrick was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of his mother-in-law, Helen Hays Yeager of Riverside.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Niello was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William Pond of Folsom.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Niello was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of his mother-in-law, Valerie Catherine Blair Hickey of Arcadia.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Hagman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Specialist Jesus O. Flores, Jr. of La Mirada.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

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 Virginia Yerxa of Colusa.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Brownley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of her father, Trenholm Lowell Brownley of Virginia Beach, VA.

Assembly Member Bill Berryhill was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Nick Lionudakis of Escalon.

Assembly Member Brownley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Michael Rosenthal of Santa Monica.

Assembly Member Cook was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Michael A. Dahl of Moreno Valley.

Assembly Member Evans was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Christopher McCarthy of Napa and Eugene Mijares of Santa Rosa.

Assembly Members Huffman, Evans, and Chesbro were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of George Ellman of Glen Ellen.

Assembly Member Portantino was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Gloria U. Smith of Pasadena.

Assembly Member Chesbro was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Patricia Jean Beltrami of Ukiah.

ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced the following session schedule:

Tuesday, October 27, 2009, Floor Session, upon Call of the Speaker;
Wednesday, October 28, 2009, Floor Session, upon Call of the Speaker;

Thursday, October 29, 2009, Floor Session, upon Call of the Speaker;
Friday, October 30, 2009, Floor Session, upon Call of the Speaker.

CAUCUS ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced that the Democratic Caucus would meet in the Assembly Lounge upon adjournment of Floor session.

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. 1009, Urgency and Concurrence: Bradford, Caballero, Fletcher, Gaines, Hayashi, Lieu, and Nestande—Aye.

Assembly Bill No. 1358: Bradford, Buchanan, Caballero, Fletcher, Gaines, Hayashi, and Lieu—Aye.

Assembly Bill No. 1188, Urgency and Concurrence: Caballero, Fletcher, Gaines, Hayashi, Lieu, Logue, and Tran—Aye.

Assembly Bill No. 187, Urgency and Concurrence: Caballero, Fletcher, Gaines, Hayashi, Lieu, Nestande, and Villines—Aye.

Assembly Bill No. 189, Urgency and Concurrence: Blakeslee, Fletcher, Gaines, Gilmore, Hayashi, Lieu, Smyth, and Strickland—Aye; Jeffries—No.

Assembly Bill No. 188, Urgency and Concurrence: Cook, Hayashi, and Lieu—Aye; Blakeslee, Fletcher, Gaines, and Strickland—No.

Assembly Bill No. 813, Urgency and Concurrence: Gaines and Hayashi—Aye.

Assembly Bill No. 1575, Concurrence: Hayashi and Hernandez—Aye.

MOTION TO ADJOURN

At 2:39 p.m., Assembly Member Krekorian moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 2:41 p.m., Speaker pro Tempore Saldaña declared the quorum call of the Assembly dispensed with.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, October 26, 2009

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

Assembly Bill No. 189

Assembly Bill No. 1188

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

E. DOTSON WILSON, Chief Clerk

AUTHOR'S AMENDMENTS

Committee on Utilities and Commerce

October 26, 2009

Mme. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Assembly Bill No. 639

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

FUENTES, Chair

ASSEMBLY BILL NO. 639—An act to add Chapter 11 (commencing with Section 2898) to Part 2 of Division 1 of the Public Utilities Code, relating to taxation, 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.

AUTHOR'S AMENDMENTS

Committee on Rules

October 26, 2009

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

Senate Concurrent Resolution No. 29

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

LIEU, Chair

SENATE CONCURRENT RESOLUTION NO. 29—Relative to Black April Memorial Week.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS

Committee on Housing and Community Development

October 26, 2009

Mme. Speaker: The Chair of your Committee on Housing and Community Development reports:

Assembly Bill No. 558

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

TORRES, Chair

ASSEMBLY BILL NO. 558—An act to add and repeal Section 65584.9 of the Government Code, relating to land use.

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.

AUTHOR'S AMENDMENTS

Committee on Higher Education

October 26, 2009

Mme. Speaker: The Chair of your Committee on Higher Education reports:

Assembly Bill No. 317

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

PORTANTINO, Chair

ASSEMBLY BILL NO. 317—An act to amend Section 66406.7 of the Education Code, relating to college textbooks.

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.

INTRODUCTION OF GUESTS

Assembly Member Fong, of the 22nd Assembly District, introduced Professor Michael Chang of the Evergreen College District.

ADJOURNMENT

At 5:05 p.m., pursuant to the motion by Assembly Member Krekorian, the Assembly adjourned upon Call of the Speaker, out of respect to the memory of Don Laub, on motion of Assembly Members Arambula and Villines; out of respect to the memory of Hon. Robert Beverly, on motion of Assembly Members Calderon and Nielsen; out of respect to the memory of William "Bill" E. Poole and Helen Hays Yeager, on motion of Assembly Member Garrick; out of respect to the memory of William Pond and Valerie Catherine Blair Hickey, on motion of Assembly Member Niello; out of respect to the memory of Specialist Jesus O. Flores, Jr., on motion of Assembly Member Hagman; out of respect to the memory of Virginia Yerxa, on motion of Assembly Member Nielsen; out of respect to the memory of Trenholm Lowell Brownley, on motion of Assembly Member Brownley; out of respect to the memory of Nick Lionudakis, on motion of Assembly Member Bill Berryhill; out of respect to the memory of Michael Rosenthal, on motion of Assembly Member Brownley; out of respect to the memory of Michael A. Dahl, on motion of Assembly Member Cook; out of respect to the memory of Christopher McCarthy and Eugene Mijares, on motion of Assembly Member Evans; out of respect to the memory of George Ellman, on motion of Assembly Members Huffman, Evans and Chesbro; out of respect to the memory of Gloria U. Smith, on motion of Assembly Member Portantino; and out of respect to the memory of Patricia Jean Beltrami, on motion of Assembly Member Chesbro.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON OCTOBER 26, 2009**

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

AB	RN
317	0925040
558	0924939
639	0923200
1358	0925014

SB	RN
68	0923776
85	0924992

SCR	RN
29	0924920

Daily Total:	7
Cumulative Total:	2418

O