

CALIFORNIA LEGISLATURE
2009–10 THIRD EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, October 26, 2009
SIXTY-THIRD SESSION DAY
TWO HUNDRED NINETY-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.

(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
Monday, October 26, 2009

The Assembly met at 1:16 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—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

Quorum present.

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.

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.

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 concurred in Assembly amendments to:

Senate Bill No. 13

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

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. 56

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, October 14, 2009

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

Assembly Bill No. 81

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

Above bill ordered enrolled.

Senate Chamber, October 14, 2009

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

Senate Bill No. 37

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

Senate Chamber, October 14, 2009

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

Senate Concurrent Resolution No. 2

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

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 37—An act to amend Section 17059 of the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 2—Relative to final adjournment of the 2009–10 Third Extraordinary Session of the Legislature.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, October 19, 2009

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

Assembly Bill No. 81

And reports the same correctly enrolled, and presented to the Governor on the 19th day of October, 2009, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

RECESS

By unanimous consent, at 1:40 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 2:01 p.m., the Assembly reconvened.

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

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. 56, without reference to file.

ASSEMBLY BILL NO. 56 (Evans)—An act to amend Section 5 of Chapter 3 of, and to repeal Section 39 of Chapter 2 of, the Fourth Extraordinary Session of the Statutes of 2009, relating to education finance, and making an appropriation therefor.

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—51

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

NOES—22

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

Above bill ordered enrolled.

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 2:03 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 2:14 p.m., the Assembly reconvened.

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

REQUEST FOR UNANIMOUS CONSENT TO SUSPEND THE RULES

Assembly Member Krekorian requested unanimous consent that the Rules be suspended for the purpose of taking up Senate Concurrent Resolution No. 2 without reference to committee or file for the purpose of consideration.

Assembly Member Hagman withheld unanimous consent.

Motion to Suspend the Rules

Assembly Member Krekorian moved that the Rules be suspended for the purpose of taking up Senate Concurrent Resolution No. 2 without reference to committee or file for the purpose of consideration.

Assembly Member De León seconded the motion.

Rules suspended by the following vote:

AYES—46

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

NOES—26

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

Consideration of Senate Concurrent Resolution No. 2

Pursuant to a roll call vote, Assembly Member Krekorian was granted consent to take up Senate Concurrent Resolution No. 2 without reference to file, for purpose of consideration.

SENATE CONCURRENT RESOLUTION NO. 2 (Steinberg)—Relative to final adjournment of the 2009–10 Third Extraordinary Session of the Legislature.

Resolution read, presented by Assembly Member Krekorian, and adopted by the following vote:

AYES—48

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

NOES—24

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

Resolution ordered transmitted to the Senate immediately.

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. 56, Concurrence: Carter, Fuller, Gilmore, Hayashi, Hernandez, Huffman, Lieu, Mendoza, and Strickland—Aye; Blakeslee, Fletcher, Gaines, Jeffries, Nestande, and Villines—No.

Krekorian Motion to Suspend the Rules: Buchanan, Caballero, Hayashi, and Huber—Aye.

Senate Concurrent Resolution No. 2: Buchanan and Caballero—Aye.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, October 26, 2009

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

Assembly Bill No. 56

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

ADJOURNMENT

At 2:17 p.m., pursuant to the provisions of Senate Concurrent Resolution No. 2, the 2009–10 Third Extraordinary Session of the Legislature was adjourned *sine die*.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk