

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, November 3, 2009

**ONE HUNDRED TWENTY-EIGHTH SESSION DAY
THREE HUNDRED THIRTY-EIGHTH 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)

(Corrected: 11-18-2009. See page 3589)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, November 3, 2009

The Assembly met at 9:30 a.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.

Quorum Call of the Assembly

Assembly Member Yamada moved a quorum call of the Assembly.
Motion carried. Time, 9:34 a.m.
The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 10:33 a.m., Speaker pro Tempore Saldaña declared a quorum of
the Assembly present.

The roll call was completed, and the following answered to their
names—77:

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

PRAYER

Upon invitation of Speaker pro Tempore Saldaña, the following prayer was offered by Assembly Member Isadore Hall III, 52nd District:

Lord, There are times when we do not hear You, we do not listen and we do not change. Only You, Lord, can give us the grace to forgive when we are hurt, to be faithful in darkness, to have hope when all seems lost and to love when we're not loved in return. Let your Spirit, Lord, come upon the earth and where there is sin and darkness, let there be light and holiness.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Saldaña, Assembly Member Knight 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 Evans, 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:

Because of illness: Assembly Members Tom Berryhill and Calderon.

COMMUNICATIONS**Proposed Initiatives**

The following communications were presented by the Chief Clerk from:

Krystal M. Paris, Initiative Coordinator, Department of Justice, dated October 23, 2009, transmitting copies of the title, summary and text of the following proposed initiative pursuant to Elections Code Section 9007:

**Eliminates the Law Allowing Married Couples to Divorce.
Initiative Constitutional Amendment.
"2010 California Marriage Act"
Initiative No. 09-0026**

Referred by the Speaker to the Committee on Judiciary.

Krystal M. Paris, Initiative Coordinator, Department of Justice, dated October 23, 2009, transmitting copies of the title, summary and text of the following proposed initiative pursuant to Elections Code Section 9007:

**Redistricting of Congressional Districts.
Initiative Constitutional Amendment.
"Voters FIRST Act for Congress"
Initiative No. 09-0027**

Referred by the Speaker to the Committee on Elections and Redistricting.

Krystal M. Paris, Initiative Coordinator, Department of Justice, dated October 27, 2009, transmitting copies of the title, summary and text of the following proposed initiative pursuant to Elections Code Section 9007:

**Allows Auto Insurance Companies to
Base Their Prices in Part on a Driver's History of Insurance Coverage.
Initiative Statute.
"The Continuous Coverage Auto Insurance Discount Act"
Initiative No. 09-0028**

Referred by the Speaker to the Committee on Insurance.

REPORTS

The following report was presented by the Chief Clerk:

**Delay in the Submission of the California State Rail Plan
2009–10 to 2019–20
(Pursuant to Government Code section 14026)**

Above transmitted report, together with letter of transmittal from Randell Iwasaki, Director, Department of Transportation, dated November 2, 2009, referred by the Speaker to the Committee on Transportation.

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

California State Auditor

2009-101
November 3, 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 requested by the Joint Legislative Audit Committee, the California State Auditor presents its audit report concerning the Department of Social Services' (Social Services) oversight of counties' antifraud efforts for the California Work Opportunities and Responsibility to Kids (CalWORKs) program and the federal Supplemental Nutrition Assistance Program, known as the food stamp program in California.

This report concludes that neither Social Services nor the six counties we visited have performed any meaningful analysis to determine the cost-effectiveness of counties' antifraud efforts for the CalWORKs or food stamp programs. Therefore, we developed our own analysis and found that the measurable savings resulting from early fraud detection activities exceed the costs of such efforts for CalWORKs and approach cost neutrality for the food stamp program. Specifically, statewide projections for savings as a result of early detection showed that for every \$1 spent on these activities, the State saved \$1.35 for CalWORKs and 93 cents for the food stamp program. In contrast, the savings resulting from statewide ongoing investigations are typically not as cost-effective. Our calculations do not include any savings from the fraud that these activities may deter because there is no way to measure deterrence with any certainty. The cost-effectiveness of these anti-fraud efforts varies among the counties, which may be caused, in part, by differing county practices. Furthermore, we found that counties report inaccurate data on their antifraud efforts, but that Social Services has not taken sufficient steps to address this problem and passes this erroneous data to others, including internal decision makers, the federal government, and the Legislature.

Social Services is also missing opportunities to improve counties' antifraud efforts because it has not reviewed 25 of the 58 counties, including Los Angeles, over the past three years. Our review found that counties inconsistently follow up on information that may affect welfare recipients' eligibility and they have a large backlog of unresolved cases

of potential duplicate-aid fraud that the Statewide Fingerprint Imaging System (SFIS) has identified. Social Services also asserts that SFIS deters welfare fraud, yet it has not analyzed the cost-effectiveness of this system. Finally, Social Services has been delayed in taking the necessary steps to allocate \$42.1 million in food stamp program overpayments the counties have collected, including \$12.5 million the State is entitled to receive. Moreover, because counties currently hold the overpayment collection, the State has not had access to the funds, resulting in an estimated \$1.1 million in lost interest earnings to the State.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Above report referred to the Committee on Human Services.

SPECIAL COMMITTEE MEETINGS

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

Budget, Thursday, November 5, 2009, at 9 a.m., in Room 4202;
Banking and Finance, Thursday, November 12, 2009, at 10 a.m.

CAUCUS ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced that the Democratic Caucus would meet at 11:30 a.m., in the Assembly Lounge.

RECESS

By unanimous consent, at 10:51 a.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 4:35 p.m., the Assembly reconvened.

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

Point of Order

Assembly Member John A. Pérez arose to the following point of order:

A quorum is not present.

Ruling by Speaker pro Tempore Saldaña

The Speaker pro Tempore ruled the point of order not well-taken as a quorum was established earlier this day.

ANNOUNCEMENTS

Assembly Member Niello announced the birth of his grandson Wade Louis Niello, and was joined by the Members of the Assembly in extending congratulations to the parents, his son and daughter-in-law, Eric and Carrie Niello.

RECESS

By unanimous consent, at 5:13 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed to convene Seventh Extraordinary Session.

**THREE HUNDRED THIRTY-NINTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, November 4, 2009

At 12 midnight.

Speaker Karen Bass, presiding.

RECONVENED

At 4:56 a.m., the Assembly reconvened.

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

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS**

MOTION TO RECONSIDER ASSEMBLY BILL NO. 964 CONTINUED

By unanimous consent, the motion to reconsider the vote on Assembly Bill No. 964 was continued until Monday, January 4, 2010.

ADJOURN IN MEMORY

Assembly Member Galgiani was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lukas Hopper of Merced.

Assembly Member Emmerson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Betty O. Crow of Tyler, TX.

MOTION TO ADJOURN

At 4:57 a.m., Assembly Member Garrick moved that the Assembly do now adjourn.

Assembly Member De León seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 4:58 a.m., Speaker pro Tempore Saldaña declared the quorum call of the Assembly dispensed with.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor were received and ordered printed in the Journal:

Governor's Message—Assembly Bill No. 187

Governor's Office, Sacramento
November 4, 2009

To the Members of the California State Assembly:

I am signing Assembly Bill 187 because it makes progress toward my proposal to fully decentralize Cal Grant awards. The original proposal was generally supported by all the education segments who share my belief that decentralization is a more cost effective, and efficient delivery mechanism that will better serve students by establishing college and university campuses as one-stop shops for a student's financial aid package.

This bill contains the \$4.3 million restoration of funding to the Student Aid Commission (Commission) that is sufficient to fund all of its operations and will ensure the Commission can work in good faith to implement the provisions of this bill in a timely fashion. I have recently made new appointments to the Commission that will help provide solid leadership to see that this pilot program and all of the other financial aid activities are run efficiently and effectively. If any follow up provisions are necessary to effectively establish the program, my Administration will work with the Legislature to enact clean up legislation to ensure that students are well served.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 813

Governor's Office, Sacramento

November 4, 2009

To the Members of the California State Assembly:

I am signing Assembly Bill 813 because I strongly support the economic development and leadership currently underway in Los Angeles with the LA LIVE entertainment complex.

There are some existing definitions in current law that would benefit from some clarifying language to improve both this measure and other tied house exceptions. I would ask the author to work with my Department of Alcoholic Beverage Control on technical clean-up legislation next year.

Sincerely,

ARNOLD SCHWARZENEGGER

ADJOURNMENT

At 6:30 a.m., pursuant to the motion by Assembly Member Garrick, the Assembly adjourned until 12 noon, Monday, January 4, 2010, out of respect to the memory of Lukas Hopper, on motion of Assembly Member Galgiani; and out of respect to the memory of Betty O. Crow, on motion of Assembly Member Emersonson.

KAREN BASS, Speaker

AMY LEACH, Minute Clerk