

CALIFORNIA LEGISLATURE  
2009–10 FIFTH EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, December 2, 2009**  
**FIFTH SESSION DAY**  
**NINETY-FOURTH 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  
Wednesday, December 2, 2009

The Assembly met at 7 a.m.

Hon. Michael Villines, Assembly Member, 29th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Timothy Morland reading.

#### ROLL CALL

The following were placed upon the morning roll call—47:

Ammiano	Coto	Hill	Salas
Arambula	Davis	Huber	Saldaña
Beall	Eng	Lieu	Skinner
Berryhill, Tom	Evans	Lowenthal	Solorio
Blakeslee	Feuer	Ma	Swanson
Block	Fong	Mendoza	Torlakson
Blumenfield	Fuentes	Monning	Torres
Bradford	Furutani	Nava	Tran
Brownley	Galgiani	Pérez, John	Villines
Buchanan	Hall	Pérez, V. Manuel	Yamada
Calderon	Hayashi	Portantino	Mme. Speaker
Chesbro	Hernandez	Ruskin	

Quorum present.

**At 1:55 p.m., Hon. Mary Salas, 79th District, presiding**

#### 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:

*On legislative business: Assembly Members Adams, Anderson, Bill Berryhill, Caballero, Conway, De La Torre, De León, DeVore, Fletcher, Fuller, Gaines, Garrick, Gilmore, Hagman, Jeffries, Knight, Krekorian, Logue, Miller, Nestande, Nielsen, Smyth, and Strickland.*

*On legislative business, per diem waived for the 2009–2010 Session (See Assembly Journal, pages 59 and 78): Assembly Member Niello.*

*On personal business, and waiving per diem: Assembly Members Emmerson, Harkey, Jones, Silva, and Torrico.*

*Because of illness: Assembly Members Carter, Cook, and Huffman.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

Monday, November 30, 2009

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

Dear Mme. Speaker: I respectfully request authorization to be absent from check-in on Wednesday, December 2, 2009. I need to be in district for scheduled meetings and legislative business.

Thank you for your consideration of my request.

Sincerely,

ANTHONY ADAMS, Assembly Member  
Fifty-ninth District

November 30, 2009

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

Dear Mme. Speaker: I respectfully request to be excused from session on Wednesday, December 2 to conduct legislative business.

If you have any questions regarding this request, please contact my office at 319-2077.

Sincerely,

JOEL ANDERSON, Assembly Member  
Seventy-seventh District

November 30, 2009

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

Dear Speaker Bass: The purpose of this letter is to request to be excused from check-in on legislative business on December 2, 2009.

Thank you for your consideration of this request.

Respectfully,

BILL BERRYHILL, Assembly Member  
Twenty-sixth District

November 30, 2009

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

Dear Mme. Speaker: I, respectfully, request to be excused from Session on Wednesday, December 2, 2009, due to legislative business in my district.

Please feel free to contact either me, or my office manager, Chinook Shin, at (916) 319-2028, should you have any questions regarding this request.

Sincerely,

ANNA M. CABALLERO, Assembly Member  
Twenty-eighth District

November 30, 2009

*Assemblywoman Karen Bass  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Bass,

I respectfully request to be excused from Check-in session on legislative business on December 2, 2009. I will be out of town attending the Joint Republican Legislative Summit in Santa Barbara.

Thank you for your consideration.

Sincerely,

CONNIE CONWAY, Assembly Member  
Thirty-fourth District

November 30, 2009

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

Dear Mme. Speaker: The purpose of this letter is to respectfully request to be excused from Check-In Session on Wednesday, December 2, 2009. I have legislative business to conduct in my district office.

I am thanking you in advance for your consideration of this request. If you have any questions or require additional information, please do not hesitate to contact my Chief of Staff, Juan Carlos Torres at (916) 319-2050.

Sincerely,

HECTOR DE LA TORRE, Assembly Member  
Fiftieth District

December 2, 2009

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

Dear Mme. Speaker: I respectfully request to be excused from check-in session on Wednesday, December 2, 2009 due to legislative business.

Thank you in advance for your consideration. If you have any questions or comments, I can be reached at (916) 319-2045.

Sincerely,

KEVIN DE LEÓN, Assembly Member  
Forty-fifth District

November 30, 2009

*Assemblywoman Karen Bass  
Speaker of the Assembly  
State Capitol, Room 3016  
Sacramento, California*

Mme. Speaker: This letter is to respectfully request that I be excused from session on Wednesday, December 2, 2009, as I have legislative business in my district.

Thank you for your consideration. If you have any questions, please do not hesitate to contact my Chief of Staff Leisa Brug Kline at (949) 863-7070.

All the best,

CHUCK DE VORE, Assembly Member  
Seventieth District

November 30, 2009

*The Honorable Karen Bass  
Speaker of the Assembly  
State Capitol, Office 219*

Speaker Bass: I respectfully request an excuse from check-in session on Wednesday, December 2nd due to legislative business. If there are any questions regarding this request please contact my Capitol Office at (916) 319-2075.

Thank you for your prompt attention to this request.

Sincerely,

NATHAN FLETCHER, Assembly Member  
Seventy-fifth District

November 30, 2009

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

Dear Assembly Speaker Bass,

This letter is a request to be excused from Check-In Session on Wednesday, December 2, 2009 due to legislative business.

Thank you for your consideration of this matter.

Sincerely,

JEAN FULLER, Assembly Member  
Thirty-second District

November 30, 2009

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

Dear Speaker Bass: I respectfully request to be excused from Check-In Session on legislative business on Wednesday, December 2, 2009. I will be participating in the Joint Legislative Summit.

Thank you in advance for your consideration of this request.

Sincerely,

TED GAINES, Assembly Member  
Fourth District

November 30, 2009

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

Dear Mme. Speaker: I am respectfully requesting to be excused from check-in session on Wednesday, December 2, 2009. I have legislative business to attend to in the district.

Thank you for your prompt attention to this request.

Sincerely,

MARTIN GARRICK, Assembly Member  
Seventy-fourth District

November 30, 2009

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

Dear Mme. Speaker,

Please excuse me from Check-In session on legislative business on December 2, 2009. I will be at the Joint Republican Legislative Summit in Santa Barbara.

Thank you kindly for your consideration.

Sincerely,

DANNY D. GILMORE, Assembly Member  
Thirtieth District

November 30, 2009

*The Honorable Karen Bass  
Speaker, California State Assembly  
State Capitol  
Sacramento, California*

Dear Mme. Speaker: I respectfully request to be excused from Check-In Session on legislative business on Wednesday, December 2, 2009 due to the Joint Republican Legislative Summit in Santa Barbara that same day.

If you have any questions, please contact Lyndsay Roberts in my office at 916-319-2060. Thank you for your consideration of this request.

Sincerely,

CURT HAGMAN, Assembly Member  
Sixtieth District

November 30, 2009

*Office of the Speaker of the Assembly  
Attention: Speaker Bass  
State Capitol, Room 219  
Sacramento, California*

Dear Mme. Speaker: I am writing to request an excused absence from check-in session on Wednesday, December 2, 2009. I will be on legislative business and unable to return to Sacramento on that day.

If you have any questions, please contact Craig DeLuz in my Capitol Office at 319-2534 or Kerstin Justus in my district office at 951-894-1232.

Thank you for your consideration and assistance in this matter.

Sincerely,

KEVIN JEFFRIES, Assembly Member  
Sixty-sixth District

November 30, 2009

*Assemblywoman Karen Bass  
California Assembly Speaker  
State Capitol, Room 219  
Sacramento, California*

Dear Mme. Speaker,

Please excuse me from Assembly Check-in Session on December 2, 2009 due to legislative business.

Thank you for your consideration and please feel free to contact my office if you have any question or concerns regarding this request.

Sincerely,

STEVE KNIGHT, Assembly Member  
Thirty-sixth District

November 30, 2009

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

Dear Speaker Bass: I am requesting an excused absence from check-in session Wednesday, December 2, 2009. I have a district office commitment that I must attend. I greatly appreciate your understanding.

If you have any questions or concerns please contact Veronica Ortiz-Torres in my Capitol Office at 916-319-2043.

Sincerely,

PAUL KREKORIAN, Assembly Member  
Forty-third District

November 30, 2009

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

Dear Mme. Speaker: This letter is to respectfully request that I be excused from Assembly Session on legislative business on December 2, 2009, as I have a Legislative Summit to attend in Southern California.

If you have any questions, please contact Stephanie Steele 319-2003. Thank you for your consideration of this request.

Sincerely,

DAN LOGUE, Assembly Member  
Third District



November 30, 2009

*The Honorable Karen Bass  
Speaker of the Assembly  
State Capitol, Room 219*

Dear Mme. Speaker: I respectfully request to be excused from Check-In session on legislative business on Wednesday, December 2 due to the Joint Republican Legislative Summit.

Please contact Johannes Escudero in my Capitol office with any questions or concerns. Thank you for your consideration of this request.

Sincerely,

JEFF MILLER, Assembly Member  
Seventy-first District

November 30, 2009

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

Dear Mme. Speaker,

This letter is to respectfully request an excuse from Session on legislative business on Wednesday, December 2, 2009 to attend Joint Assembly and Senate Republican Caucus.

If you have any questions, please call me at (916) 319-2064.

Thank you for your prompt attention.

Sincerely,

BRIAN NESTANDE, Assembly Member  
Sixty-fourth District

November 30, 2009

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

Dear Mme. Speaker: I am requesting permission to be excused from check in session on legislative business on December 2, 2009. I will be out of town attending the Joint Legislative Summit.

Thank you for your consideration of this matter. If you have any questions or concerns, please contact me at 319-2005.

Sincerely,

ROGER NIELLO, Assembly Member  
Fifth District

November 30, 2009

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

Dear Mme. Speaker,

I am respectfully requesting permission to be excused from Wednesday's Check-in Session, on December 2. I will be in Southern California attending to legislative business.

Thank you for your consideration of this matter. If you have any questions or concerns, please contact me at 319-2002.

Sincerely,

JIM NIELSEN, Assembly Member  
Second District

November 30, 2009

*The Honorable Karen Bass  
Speaker of the Assembly  
State Capitol, Room 219*

Dear Mme. Speaker: I am respectfully requesting to be excused from check-in-session on Wednesday, December 2, 2009 due to legislative business.

Should you have any questions, please contact Donda Scholl in my office at 319-2038.

Thank you for your attention to this matter.

Sincerely,

CAMERON SMYTH, Assembly Member  
Thirty-eighth District

November 30, 2009

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

Dear Mme. Speaker: I respectfully request a legislative excuse for Wednesday, December 2, 2009 due to legislative business in the 37th Assembly District.

If you have any questions, please call Sam Chung at 319-2037.

Sincerely,

AUDRA STRICKLAND, Assembly Member  
Thirty-seventh District

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

December 1, 2009

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Sam Blakeslee to replace Assemblymember Martin Garrick on the Assembly Education Committee in the Fifth Extraordinary Session for the Wednesday, December 2 hearing only.

Sincerely,

KAREN BASS  
Speaker of the Assembly

December 1, 2009

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Felipe Fuentes to replace Assemblymember Wilmer Carter on the Assembly Education Committee in the Fifth Extraordinary Session for the Wednesday, December 9 hearing only.

Sincerely,

KAREN BASS  
Speaker of the Assembly

December 1, 2009

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Felipe Fuentes to replace Assemblymember Ted Lieu on the Assembly Rules Committee in the 2009–10 Fifth Extraordinary Session for the Thursday, December 3 hearing only. I have also appointed Assemblymember Isadore Hall to serve as acting Chair for the December 3 hearing only.

Sincerely,

KAREN BASS  
Speaker of the Assembly

December 2, 2009

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: I am authorizing the Assembly Desk to remain open for purpose of processing bills.

Sincerely,

KAREN BASS  
 Speaker of the Assembly

#### **SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Education, to hold an informational hearing, on December 2, 2009, at 1 p.m., in Room 4202.

#### **FIRST READING OF ASSEMBLY BILLS**

The following bills were read the first time:

**ASSEMBLY BILL NO. 5—Nestande.** An act to amend Section 44227 of the Education Code, relating to teachers.

**ASSEMBLY BILL NO. 6—Nestande.** An act to add and repeal Section 44262.1 of the Education Code, relating to teacher credentialing.

**ASSEMBLY BILL NO. 7—Nestande.** An act to amend Section 44932 of, and to add Section 44660.1 to, the Education Code, relating to teachers.

#### **INTRODUCTION AND FIRST READING ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 8—Brownley (Coauthors: Bass, Carter, and Torlakson).** An act to amend Sections 14502.1, 47602, 47605, 47605.6, 47607, 60601, 60603, 60604, 60605.6, 60606, 60640, 60643, 60643.1 of, to amend and repeal Section 60605 of, to add Sections 44665.5, 47630.6, and 60604.5 to, to add and repeal Sections 60605.7 and 60605.8 of, and to add and repeal Chapter 18 (commencing with Section 53100) of Part 28 of Division 4 of Title 2 of, the Education Code, relating to public schools.

#### **MESSAGES FROM THE SENATE**

Senate Chamber, November 5, 2009

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

Senate Bill No. 1  
 Senate Bill No. 2

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

#### **FIRST READING OF SENATE BILLS**

The following bills were read the first time:

**SENATE BILL NO. 1—**An act to amend Sections 10601.5, 10804, 47602, and 60900 of, to add Section 47604.7 to, to add Article 10 (commencing with Section 48350) to Chapter 2 of Part 27 of Division 4 of Title 2 of, and to add Article 5 (commencing with Section 52065) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to public schools.

**SENATE BILL NO. 2—**An act to amend Section 1798.24 of the Civil Code, and to amend Section 49076 of, and to add Section 49079.5 to, the Education Code, relating to pupil data.

**NINETY-FIFTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, December 3, 2009

At 12 midnight.

Speaker Karen Bass, presiding.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 8**—An act to amend Sections 14502.1, 47602, 47605, 47605.6, 47607, 60601, 60603, 60604, 60605.6, 60606, 60640, 60643, 60643.1 of, to amend and repeal Section 60605 of, to add Sections 44665.5, 47630.6, and 60604.5 to, to add and repeal Sections 60605.7 and 60605.8 of, and to add and repeal Chapter 18 (commencing with Section 53100) of Part 28 of Division 4 of Title 2 of, the Education Code, relating to public schools.

Bill read second time.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

<i>Bill No.</i>	<i>Committee</i>
<b>2</b> -----	Ed.
<b>8</b> -----	Ed.

*Senate*

<i>Bill No.</i>	<i>Committee</i>
<b>1</b> -----	Ed.
<b>2</b> -----	Ed.

**AUTHOR'S AMENDMENTS**

**Committee on Education**

December 3, 2009

Mme. Speaker: The Chair of your committee on Education reports:

Assembly Bill No. 2

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

Brownley, Chair

**ASSEMBLY BILL NO. 2**—An act relating to public schools.

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 Education**

December 3, 2009

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

Senate Bill No. 1

Senate Bill No. 2

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

Brownley, Chair

**SENATE BILL NO. 1**—An act to amend Sections 10601.5, 10804, 47602, and 60900 of, to add Section 47604.7 to, to add Article 10 (commencing with Section 48350) to Chapter 2 of Part 27 of Division 4 of Title 2 of, and to add Article 5 (commencing with Section 52065) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to public schools.

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.

**SENATE BILL NO. 2**—An act to amend Section 1798.24 of the Civil Code, and to amend Section 49076 of, and to add Section 49079.5 to, the Education Code, relating to pupil data.

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.

#### **ADJOURNMENT**

At 3:30 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 DECEMBER 3, 2009**

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

**AB RN**

2 0925450

**SB RN**

1 0926181

2 0926180

**Daily Total: 3**

**Cumulative Total: 3**

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