

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, December 10, 2009

ONE HUNDRED TWENTY-NINTH SESSION DAY

THREE HUNDRED SEVENTY-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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, December 10, 2009

The Assembly met at 3:15 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.

Quorum Call of the Assembly

At 3:43 p.m., Speaker pro Tempore Saldaña placed a quorum call upon the Assembly and directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

CAUCUS ANNOUNCEMENTS

Speaker pro Tempore Saldaña announced that the Republican Caucus would meet in the Tom Bane Rules Committee Room immediately.

QUORUM PRESENT

At 4:44 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—75:

Ammiano	De La Torre	Hill	Pérez, V. Manuel
Anderson	De León	Huber	Portantino
Arambula	Emmerson	Huffman	Ruskin
Beall	Eng	Jeffries	Salas
Berryhill, Tom	Evans	Jones	Saldaña
Blakeslee	Feuer	Knight	Silva
Block	Fletcher	Krekorian	Skinner
Blumenfield	Fong	Lieu	Smyth
Bradford	Fuentes	Logue	Solorio
Brownley	Fuller	Lowenthal	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	Hayashi	Nielsen	Mme. Speaker
Davis	Hernandez	Pérez, John	

PRAYER

Upon invitation of Speaker pro Tempore Saldaña, the following prayer was offered by Assembly Member Steven Bradford, 51st Assembly District:

Lord, In people's daily encounter with life's challenges and situations, their frailties are as obvious as their virtues. Help us to realize that imperfection is part of human wholeness and that we must accept others as they are, and trust that they will do the same for us. We are called by You, Lord, to be compassionate towards others. You also call us to be compassionate towards ourselves. Compassion is the harmony of interpersonal relationships and inward peace.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Saldaña, Assembly Member Fuller 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 Krekorian, 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 legislative business: Assembly Members Adams and Bill Berryhill.

On personal business, and waiving per diem: Assembly Members DeVore and Harkey.

EXPLANATIONS OF ABSENCE

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

Thursday, December 3, 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 session on Thursday, December 10, 2009. I need to be in district for several scheduled meetings and legislative business.

Thank you for your consideration of my request.

Sincerely,

ANTHONY ADAMS, Assembly Member
Fifty-ninth District

December 10, 2009

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

Dear Mme. Speaker: The purpose of this letter is to request to be excused from Session on December 10, 2009 due to legislative business in my District.

Thank you for your consideration of this request.

Respectfully yours,

BILL BERRYHILL, Assembly Member
Twenty-sixth District

COMMUNICATIONS

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

December 10, 2009

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

Dear Dotson: Pursuant to Assembly Rules 2 and 26(a), I am convening Assembly Floor Session on Thursday, December 10, 2009. The purpose of this session is to consider and act upon SB 89 related to the Tribal-State Gaming Compact for Habematolel Pomo of Upper Lake and also SB 55 (Corbett) related to the State Bar.

Sincerely,

KAREN BASS
Speaker of the Assembly

December 7, 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 Curt Hagman to the Select Committee on the Safety and Protection of At-Risk Communities in California for the 2009–10 Regular Session.

Sincerely,

KAREN BASS
Speaker of the Assembly

December 3, 2009

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

Dear Mr. Wilson: Please be advised that the Assembly Committee on Rules met on December 3, 2009, and approved the Assembly Holiday Schedule. The schedule is enclosed.

Sincerely,

ISADORE HALL III
Acting Chair, Assembly Rules Committee

2010 ASSEMBLY HOLIDAY SCHEDULE

The following are holidays to be observed by the Assembly in 2010:

Friday, January 1—*New Year's Day*
Monday, January 18—*Martin Luther King, Jr. Day*
Monday, February 15—*Presidents' Day*
Monday, March 29—*Cesar Chavez Day*
Monday, May 31—*Memorial Day*
Monday, July 5—*Independence Day*
Monday, September 6—*Labor Day*
Thursday, November 11—*Veterans Day*
Thursday and Friday, November 25 and 26—*Thanksgiving*
Thursday, December 23 and Friday, December 24—*Winter Holiday*
Thursday and Friday, December 30 and 31—*New Year Holiday*

In addition, the Rules Committee has authorized Assembly employees to take two personal holidays at anytime during the year with the approval of the Assembly Member.

SPECIAL COMMITTEE MEETINGS

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

Budget, Monday, December 14, 2009, at 2 p.m., in Room 4202;
Local Government, Wednesday, January 6, 2010, at 1:30 p.m.;
Joint Legislative Audit Committee, for an informational hearing, Wednesday, January 20, 2010, at 9:30 a.m., in Room 126;
Revenue and Taxation, for an informational hearing, Wednesday, January 13, 2010, at 9 a.m., in Room 444;
Joint Legislative Audit Committee, Wednesday, February 3, 2010, at 9:30 a.m., in Room 126.

REPORTS

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

California State Auditor

I2007-1158
December 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: Pursuant to the California Whistleblower Protection Act, the California State Auditor presents its investigative report concerning improper expense reimbursements made by the California State University, Chancellor's Office (university), to a high-level official.

This report concludes that the official received \$152,441 in improper expense reimbursements over a 37-month period from July 2005 through July 2008. The improper expense reimbursements include expenses for unnecessary trips, meals that exceeded the university's reimbursement limits, the official's commuter expenses, living allowances, home office expenses, duplicate payments, and overpayments of claims. The official consistently failed to follow university policies in submitting requests for reimbursement. In addition, the official's supervisor and the university failed to adequately review his reimbursement claims. As a consequence, the official incurred expenses that were unnecessary and not in the best interest of the university or the State. The employee, a high-level official in the university's Information Technology Services department, left the university in July 2008.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Above report referred to the Committee on Higher Education.

REPORTS

The following reports were presented by the Chief Clerk:

**California Longitudinal Pupil Achievement Data System
SB 1453 Compliance Report #14
(Pursuant to Senate Bill 1453)**

Above transmitted report, together with letter of transmittal from MarieJeanne deForet, Director, Sabot Technologies, dated November 20, 2009, referred by the Speaker to the Committee on Education.

**2009 OAL Determination No. 26(S)
(Pursuant to Government Code Section 11340.5, Code of Regulations
Title 1, Section 270(f))**

Above transmitted report, together with letter of transmittal from Susan Lapsley, Director, Office of Administrative Law, dated November 16, 2009, referred by the Speaker to the Committee on Public Safety.

**Hate Crime in California, 2008
(Pursuant to Penal Code Section 13023)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Division of Administrative Support, Department of Justice, dated November 16, 2009, referred by the Speaker to the Committee on Public Safety.

**Special Interest License Plate Program
(Pursuant to Vehicle Code Section 5060(h) (1))**

Above transmitted report, together with letter of transmittal from George Valverde, Director, Department of Motor Vehicles, dated November 12, 2009, referred by the Speaker to the Committee on Budget.

**General Pre-Sale Land Use Plan
(Pursuant to Public Resources Code Section 6373)**

Above transmitted report, together with letter of transmittal from Paul D. Thayer, Executive Officer, California State Lands Commission, dated November 24, 2009, referred by the Speaker to the Committee on Natural Resources.

**Unemployment Insurance (UI) Fund Forecast
(Pursuant to Unemployment Insurance Code Section 995)**

Above transmitted report, together with letter of transmittal from Patrick W. Henning, Director, Employment Development Department, dated November 25, 2009, stating availability of report at http://www.edd.ca.gov/ABOUT_EDD/pdf/edd-uiforecast09.pdf, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**Proposed Reductions in Inmate and Parolee Programs
(Pursuant to Item 11, Budget Act of 2009)**

Above transmitted report, together with letter of transmittal from Matthew L. Cate, Secretary, Department of Corrections and Rehabilitation, dated November 19, 2009, referred by the Speaker to the Committee on Budget.

**Status Report on Implementation of County Centralized Eligibility Lists
(Pursuant to Item 6110-196-0001, Provision 12(a)
Budget Act of 2008–09)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated November 17, 2009, referred by the Speaker to the Committee on Education.

**Anti-Reproductive Rights Crimes in California, 2008
(Pursuant to Penal Code Section 13777)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Division of Administrative Support, Department of Justice, dated December 10, 2009, stating availability of report at <http://ag.ca.gov/cjsc/publications/pdf/arrc08.pdf>, referred by the Speaker to the Committee on Public Safety.

RECESS

By unanimous consent, at 4:58 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed to convene the Fifth Extraordinary Session.

RECONVENED

At 5:47 p.m., the Assembly reconvened.
Hon. Isadore Hall III, Assistant Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS**

SENATE BILL NO. 89 (Committee on Budget and Fiscal Review)—An act relating to the Budget Act of 2009.

Bill read third time.

Motion to Amend by Assembly Member Chesbro

Assembly Member Chesbro moved the adoption of amendments.
Amendments read and adopted.

**Consideration of Senate Bill No. 89, as Amended
by Unanimous Consent**

Assembly Member Chesbro was granted unanimous consent to take up Senate Bill No. 89, as amended, without reference to file, for the purpose of consideration.

SENATE BILL NO. 89 (Committee on Budget and Fiscal Review)—An act to add Section 12012.54 to the Government Code, relating to gaming, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Chesbro.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—69

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—69

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

NOES—None

Bill ordered transmitted to the Senate.

ASSEMBLY RULE 69(b) SUSPENDED

Assembly Member Feuer was granted unanimous consent that Assembly Rule 69(b) be suspended to permit consideration of proposed amendments to Senate Bill No. 55.

SENATE BILL NO. 55 (Corbett)—An act to amend Section 14551 of, and to repeal Section 14523.5 of, the Public Resources Code, relating to recycling.

Bill read third time.

Motion to Amend by Assembly Member Feuer

Assembly Member Feuer moved the adoption of amendments.

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

CONGRATULATIONS EXTENDED

Assistant Speaker pro Tempore Hall was joined by the Members of the Assembly in extending congratulations to Assembly Member Krekorian on his election to the Los Angeles City Council and in wishing him well as he leaves the Assembly.

SPECIAL RECOGNITION

The Members of the Assembly extended best wishes to Assembly Members Hall and De León on the occasion of their birthdays.

RECESS

By unanimous consent, at 6:08 p.m., Assistant Speaker pro Tempore Hall declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Garrick introduced Kara Bush and extended best wishes as she leaves the Assembly and moves forward in her career.

Assembly Member Garrick then presented a resolution to Kara Bush and thanked her for her service to the Assembly.

RECONVENED

At 6:09 p.m., the Assembly reconvened.

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

VOTE ADDS

The following Assembly Member was granted unanimous consent to record his vote on the following item:

Senate Bill No. 89 and Urgency: Torrico—Aye.

MOTION TO ADJOURN

At 6:11 p.m., Assembly Member Krekorian moved that the Assembly do now adjourn.

Assembly Member Blakeslee seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 6:12 p.m., Assistant Speaker pro Tempore Hall declared the quorum call of the Assembly dispensed with.

INTRODUCTION OF GUESTS

Assistant Speaker pro Tempore Hall, of the 52nd Assembly District, introduced Hon. Bill Dickinson, Mayor of Wallingford, Connecticut.

ADJOURNMENT

At 9:30 p.m., pursuant to the motion by Assembly Member Krekorian, the Assembly adjourned until 12 noon, Monday, January 4, 2010.

KAREN BASS, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON DECEMBER 10, 2009**

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

SB RN

55 0925768

89 0926452

Daily Total: 2

Cumulative Total: 2422

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