

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, December 16, 2008

THIRD SESSION DAY

SIXTEENTH 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
Sue Parker, Minute Clerk: Phone 319-2360)

1-JUNE (1-5)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, December 16, 2008

The Assembly met at 3:01 p.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Elizabeth Potter reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Block moved a quorum call of the Assembly.

Motion carried.

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

Quorum Present

At 3:32 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—78:

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

PRAYER

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

Lord, It is hard to remember what Christmas presents we received in 2001 or what the family dinner was like in 1998. But this holiday season can be remembered for the love, joy and peace that was shared by our family and friends. Lord, help us to make this year unique for the things that matter. For the fruit of the Spirit is love, joy, peace, kindness, goodness, faithfulness, gentleness and self-control, against such there is no law (Galatians 5:22-23).—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Saldaña, Assembly Member Feuer 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 Villines.

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 Smyth.

Because of illness: Assembly Member Cook.

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

December 16, 2008

Mr. E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Appointment of Mike Eng
to California Transportation Commission

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Mike Eng to the California Transportation Commission. This is a pleasure appointment starting December 16, 2008.

Sincerely,

KAREN BASS
Speaker of the Assembly

FIRST READING OF ASSEMBLY BILLS

The following bills were read the first time:

ASSEMBLY BILL NO. 60—Coto. An act to add and repeal Section 41055 of the Education Code, relating to education finance.

ASSEMBLY BILL NO. 61—Nava. An act to amend Section 790 of the Welfare and Institutions Code, relating to juveniles.

ASSEMBLY BILL NO. 62—Portantino. An act to amend Section 27602 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 63—Mendoza. An act to add Section 1794.45 to the Civil Code, relating to service contracts.

ASSEMBLY BILL NO. 64—Krekorian, Bass, and Blakeslee. An act to amend Section 25500 of, and to repeal Chapter 4.3 (commencing with Section 25330) of Division 15 of, the Public Resources Code, and to amend Section 454.5 of, to amend and repeal Section 387 of, to add Section 399.23 to, to add Chapter 4.5 (commencing with Section 950) to Part 1 of Division 1 of, and to repeal Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of, the Public Utilities Code, relating to energy, and making an appropriation therefor.

ASSEMBLY BILL NO. 65—Hayashi. An act to add Part 6.7 (commencing with Section 22959.90) to Division 5 of Title 2 of the Government Code, relating to public employee health benefits, and making an appropriation therefor.

ASSEMBLY BILL NO. 66—Anderson. An act to amend Section 49110 of the Education Code, relating to schools.

ASSEMBLY BILL NO. 67—Nava. An act to add Section 4052.6 to the Business and Professions Code, relating to pharmacy.

ASSEMBLY BILL NO. 68—Brownley. An act to add Chapter 5.3 (commencing with Section 42280) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

ASSEMBLY BILL NO. 69—Duvall. An act to repeal and add Section 66025 of the Education Code, relating to postsecondary education.

ASSEMBLY BILL NO. 70—Duvall. An act to add Section 313.5 to the Education Code, relating to English learners.

ASSEMBLY BILL NO. 71—Duvall. An act to add Section 47634 to, to repeal Sections 41311, 42243.7, 47634.1, 47634.4, 49452.8, 49501, 49536, 52244, and 52272 of, to repeal Chapter 4 (commencing with Section 400) of Part 1 of Division 1 of Title 1 of, to repeal Article 8 (commencing with Section 8150) of Chapter 1 of Part 6 of Division 1 of Title 1 of, to repeal Article 4 (commencing with Section 37252) of Chapter 2 of Part 22 of Division 3 of Title 2 of, to repeal Article 10 (commencing with Section 41850) of Chapter 5 of Part 24 of Division 3 of Title 2 of, to repeal Article 4.5 (commencing with Section 42290) of Chapter 7 of Part 24 of Division 3 of Title 2 of, to repeal Chapter 11.3 (commencing with Section 42920) of Part 24 of Division 3 of Title 2 of, to repeal Article 4.5 (commencing with Section 44279.1), Article 11 (commencing with Section 44380), Article 12 (commencing with Section 44390, and Article 13 (commencing with Section 44395) of Chapter 2 of Part 25 of Division 3 of Title 2 of, to repeal Article 4.5 (commencing with Section 44500), Article 4.6 (commencing with Section 44510), and Article 6 (commencing with Section 44560) of Chapter 3 of Part 25 of Division 3 of Title 2 of, to repeal Chapter 3.34 (commencing with Section 44730) and Chapter 3.36 (commencing with Section 44735) of Part 25 of Division 3 of Title 2 of, to repeal Article 3 (commencing with Section 48660) of Chapter 4 of Part 27 of Division 4 of Title 2 of, to repeal Article 11 (commencing with Section 49550) and Article 11.5 (commencing with Section 49565) of Chapter 9 of Part 27 of Division 4 of Title 2 of, to repeal Article 15 (commencing with Section 51870) of Chapter 5 of Part 28 of Division 4 of Title 2 of, to repeal Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of, to repeal Chapter 6.5 (commencing with Section 52060) of Part 28 of Division 4 of Title 2 of, to repeal Article 4 (commencing with Section 52180) of Chapter 7 of Part 28 of Division 4 of Title 2 of, to repeal Chapter 8 (commencing with Section 52200) of Part 28 of Division 4 of Title 2 of, to repeal Article 4.5 (commencing with Section 52378) and Article 7.5 (commencing with Section 52460) of Chapter 9 of Part 28 of Division 4 of Title 2 of, to repeal Article 6 (commencing with Section 52890) of Chapter 12 of Part 28 of Division 4 of Title 2 of, to repeal Chapter 12.5 (commencing with Section 52920) of Part 28 of Division 4 of Title 2 of, to repeal Article 2 (commencing with Section 54020) of Chapter 1 of Part 29 of Division 4 of Title 2 of, to repeal Article 5 (commencing with Section 54690) and Article 7.1 (commencing with Section 54740) of Chapter 9 of Part 29 of Division 4 of Title 2 of, to repeal Chapter 6 (commencing with Section 58800) of Part 31 of Division 4 of Title 2 of, to repeal Article 3 (commencing with Section 60240) of Chapter 2 of Part 33 of Division 4 of Title 2 of, and to repeal Chapter 5 (commencing with Section 99200) of Part 65 of Division 14 of Title 3 of, and to repeal and add Chapter 3.2 (commencing with Section 41500) of Part 24 of Division 3 of Title 2 of, the Education Code, relating to public school finance, and making an appropriation therefor.

ASSEMBLY BILL NO. 72—Duvall. An act to add Section 49079.5 to the Education Code, relating to pupil data.

ASSEMBLY BILL NO. 73—Hayashi. An act to amend Sections 26840.10 and 26840.11 of the Government Code, to amend Sections 103627 and 103628 of the Health and Safety Code, and to amend Sections 18309 and 18309.5 of the Welfare and Institutions Code, relating to domestic violence.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5—Charles Calderon. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article II thereof, relating to initiatives.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Coto was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting a guest to sit at his desk in the Assembly Chamber.

REQUEST FOR PHOTOGRAPHER

Assembly Member Coto was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

RECESS

By unanimous consent, at 3:39 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

RECONVENED

At 10:43 p.m., the Assembly reconvened.

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

At 10:44 p.m., Speaker Karen Bass, 47th District, presiding

MOTION TO ADJOURN

At 10:45 p.m., Assembly Member Torrico moved that the Assembly do now adjourn.

Assembly Member Villines seconded the motion.

Motion carried.

ANNOUNCEMENTS

Speaker Bass announced the following session schedule:

Wednesday, December 17, 2008, Floor Session, 12 noon.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:45 p.m., Speaker Bass declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 74—Chesbro (Coauthor: Senator Wiggins). An act to add Section 12670.22 to the Water Code, relating to flood control.

ASSEMBLY BILL NO. 75—Huffman. An act to amend Section 14166.245 of the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6—Charles Calderon. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing and adding Section 5 of Article II thereof, relating to primary elections.

INTRODUCTION OF GUESTS

(NOTE: Assembly Member Coto, of the 23rd Assembly District, introduced Fresno City Council Member Henry T. Perea on this day in the First Extraordinary Session.

Assembly Member Adams, of the 59th Assembly District, introduced Consul General Gao Zhansheng of China, on this day in the First Extraordinary Session.)

ADJOURNMENT

At 10:47 p.m., pursuant to the motion by Assembly Member Torrico, the Assembly adjourned until 12 noon, Wednesday, December 17, 2008.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

O