

CALIFORNIA LEGISLATURE  
2009–10 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, December 18, 2008**  
**FOURTH SESSION DAY**  
**EIGHTEENTH 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  
Sue Parker, Minute Clerk: Phone 319-2360)

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Thursday, December 18, 2008

The Assembly met at 10:26 a.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 Blumenfield 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.

#### RECESS

By unanimous consent, at 10:40 a.m., Speaker pro Tempore Saldaña  
declared the Assembly recessed.

#### RECONVENED

At 12:48 p.m., the Assembly reconvened.

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

**Quorum Present**

At 12:49 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	Hill	Portantino
Ammiano	DeVore	Huber	Price
Anderson	Duvall	Huffman	Ruskin
Arambula	Emmerson	Jeffries	Salas
Beall	Eng	Jones	Saldaña
Berryhill, Bill	Evans	Knight	Silva
Berryhill, Tom	Feuer	Krekorian	Skinner
Blakeslee	Fong	Lieu	Smyth
Block	Fuentes	Logue	Solorio
Blumenfield	Fuller	Lowenthal	Strickland
Brownley	Furutani	Ma	Swanson
Buchanan	Gaines	Mendoza	Torlakson
Caballero	Galgiani	Miller	Torres
Calderon	Garrick	Monning	Torrico
Carter	Gilmore	Nava	Tran
Chesbro	Hagman	Nestande	Villines
Conway	Hall	Niello	Yamada
Coto	Harkey	Nielsen	Mme. Speaker
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 Hon. Ira Ruskin, Assembly Member District 21:

Belief in You and trust in You is easy when everything is going well. But when trials and confusion surround us, belief in You is truly declaring Your goodness. Help us to grow, mature and learn from different situations. When things don't make sense, help us to keep a positive attitude.—AMEN.

Baruch atah adonoi Eloheynu melech haolom. Sh hecheyanu, V Keya manu, V He ge yanu La zman ha zeh.

Blessed are you Creator of the Universe who has given us life, sustained us and brought us to this time and place.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Saldaña, Assembly Member Swanson 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 Blakeslee.

**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 Fletcher.*

*Because of illness, and waiving per diem: Assembly Member Cook.*

**COMMUNICATIONS**

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

**Per Diem**

December 17, 2008

*Dotson Wilson*  
*Chief Clerk*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Mr. Wilson: On October 1, 2008 Legislators received a 1.8% increase in per diem.

Effective January 1, 2009 I would like my per diem to reflect the amount prior to that increase.

Warmest regards,

JIM BEALL, Jr., Assembly Member  
Twenty-fourth District

**Per Diem**

December 18, 2008

*Madame Speaker Karen Bass*  
*State Capitol, Room 217*  
*Sacramento, California*

Dear Madame Speaker: I wish to waive per diem for the extraordinary session during the month of December, 2008.

Thank you for your assistance in this matter.

Sincerely,

IRA RUSKIN, Assembly Member  
Twenty-first District

**Per Diem**

December 18, 2008

*E. Dotson Wilson*  
*Chief Clerk*  
*State Capitol—Room 3196*  
*Sacramento, California*

Dear Chief Clerk Wilson: I respectfully decline per diem for any budget related special sessions that may occur before the legislature reconvenes on January 5, 2009.

I would also like to reimburse the Rules Committee for the amount of \$865.00 for per diem that was erroneously paid to me for the dates of 11/6/08, 11/17/08, 11/25/08, 12/1/08 and 12/8/08.

I will resume receiving per diem upon the legislature reconvening on January 5, 2009. Should you have any questions, please feel free to contact Walter Hughes in my office at 916.319.2057.

Sincerely,

ED HERNANDEZ, O.D., Assembly Member  
Fifty-seventh District

**RECESS**

By unanimous consent, at 12:48 p.m., Speaker pro Tempore Saldaña declared the Assembly recessed.

**RECONVENED**

At 3:10 p.m., the Assembly reconvened.

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

**MOTION TO ADJOURN**

At 3:11 p.m., Assembly Member Torrico moved that the Assembly do now adjourn.

Assembly Member Evans seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 3:11 p.m., Speaker pro Tempore Saldaña declared the quorum call of the Assembly dispensed with.

**FIRST READING OF ASSEMBLY BILLS**

The following bill was read the first time:

**ASSEMBLY BILL NO. 76—Yamada.** An act to amend Section 10127.17 of the Insurance Code, relating to life insurance and annuity products.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 77—Jeffries.** An act to amend Section 40206.5 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 78—Portantino.** An act to amend Sections 48800, 48800.5, 48802, and 76001 of, and to add Section 48800.6 to, the Education Code, relating to pupils.

**ADJOURNMENT**

At 3:11 p.m., pursuant to the motion by Assembly Member Torrico, the Assembly adjourned upon Call of the Speaker. (NOTE: On this day, the Assembly adjourned in the memory of the following individuals in the First Extraordinary Session: Norma Hotaling, Young Mi Yoon, Grace Yoon, Rachel Yoon, Suk Im Kim, Herbert Donaldson, William Cooke, Arlene Marie Holt, Betty R. Oller, California Highway Patrol Officer Joseph Paul Sanders, Joseph Albanese, Joyce Seelinger, Carol Slatten, and Roger Epperson.)

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KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk