

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 2, 2012**

**ONE HUNDRED FORTY-FIFTH SESSION DAY**

**FOUR HUNDRED TWENTY-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.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, February 2, 2012

The Assembly met at 9 a.m.

Hon. Fiona Ma, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Reading Clerk Timothy Morland reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Achadjian moved a quorum call of the Assembly.

Motion carried. Time, 9:01 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 9:05 a.m., Speaker pro Tempore Ma declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—76:

|             |           |           |                  |
|-------------|-----------|-----------|------------------|
| Achadjian   | Cook      | Hayashi   | Nestande         |
| Alejo       | Davis     | Hernández | Nielsen          |
| Allen       | Dickinson | Hill      | Norby            |
| Ammiano     | Donnelly  | Huber     | Olsen            |
| Atkins      | Eng       | Hueso     | Pan              |
| Beall       | Feuer     | Huffman   | Perea            |
| Berryhill   | Fletcher  | Jeffries  | Pérez, V. Manuel |
| Block       | Fong      | Jones     | Portantino       |
| Blumenfield | Fuentes   | Knight    | Silva            |
| Bonilla     | Furutani  | Lara      | Skinner          |
| Bradford    | Gaines    | Logue     | Smyth            |
| Brownley    | Garrick   | Lowenthal | Solorio          |
| Buchanan    | Gatto     | Ma        | Swanson          |
| Butler      | Gordon    | Mansoor   | Torres           |
| Campos      | Grove     | Mendoza   | Wagner           |
| Carter      | Hagman    | Miller    | Wieckowski       |
| Cedillo     | Halderman | Mitchell  | Williams         |
| Chesbro     | Hall      | Monning   | Yamada           |
| Conway      | Harkey    | Morrell   | Mr. Speaker      |

**PRAYER**

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

*Lord, If we had a valuable piece of jewelry, we wouldn't wear it to the gym or leave it on the kitchen sink, we would treat it carefully. We would put it in a safe place and protect it. In the same way, when we see others as valuable as You do, Lord, we would be careful in the way we talk to them. We would look for the good in them and honor them for who You made them to be. Help us, Lord, to see the value in others the way You see the value in us. Help us to delight in others with our actions and our words so that we can be an example of Your love and light.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Ma, Assembly Member Garrick 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 Allen, 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 personal business, and waiving per diem: Assembly Members Galgiani and Valadao.*

*On active duty military deployment, and waiving per diem (Assembly Journal, page 452): Assembly Member Gorell.*

*Because of illness in his family: Assembly Member Charles Calderon.*

**COMMUNICATIONS**

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

February 1, 2012

*E. Dotson Wilson*

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

Dear Dotson: Please be advised that I have appointed Assemblymember Bill Berryhill to the Select Committee on Sustainable and Organic Agriculture for the 2011–12 Regular Session.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

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

Budget Subcommittee No. 2 on Education Finance, on Wednesday, February 22, 2012, at 2 p.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

2011-503.6  
January 30, 2012

*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: This letter report presents a follow-up review conducted by the State Auditor's Office of the California Energy Resources Conservation and Development Commission's (Energy Commission) use of funds provided by the American Recovery and Reinvestment Act of 2009 (Recovery Act). On February 17, 2009, the federal government enacted the Recovery Act for purposes that included preserving and creating jobs, promoting economic recovery, and investing in environmental protection. On April 21, 2009, the U.S. Department of Energy (Energy) awarded \$226 million to the Energy Commission for the State Energy Program (Energy Program). State law authorizes the Energy Commission to use Energy Program funds for energy efficiency, energy conservation, renewable energy, and other energy-related projects and activities authorized by the Recovery Act in the most expedient manner possible, and for the Energy Commission to use Recovery Act funds to award contracts, grants, and loans for projects and activities related to these goals.

The Energy Commission has made significant progress during the last six months in ensuring Recovery Act funds are spent at an increased pace. Although it still has substantial amounts of Recovery Act funds remaining that it must spend before April 30, 2012, the date any unspent funds revert to the federal government, its current efforts and plans appear to be adequate to reduce the risk that the Recovery Act funds will revert. However, not all funds considered by federal guidelines to be spent may immediately further the purposes of the Recovery Act. In our July 2011 letter report, we found that as of June 9, 2011, the Energy Commission had spent only \$42.8 million, or 19 percent of the \$226 million in Recovery Act funds. However, as of December 20, 2011, the Energy Commission had spent an additional \$74.8 million dollars, or 33 percent of the Recovery Act funds for a total of \$117.5 million. Based on its agreement with the U.S. Department of Energy, the Energy Commission must spend the remaining \$108.6 million by April 30, 2012. The Energy Commission stated that its contract managers are working very closely with its subrecipients to identify projects that will not spend all funds allocated to them before the federal deadline. In such cases, the Energy Commission reduces the funds allocated to these projects and provides those funds to other projects that will be able to spend them by April 30, 2012. Further, new legislation that allows the Energy Commission to allocate additional funds to the Energy Efficient State Property Revolving Loan program will help ensure that the remaining Recovery Act funds avoid reversion as of the federal spending deadline. Nevertheless, although the funds allocated to this

subprogram may be technically considered spent under federal guidelines, they might not actually fulfill the intended purposes of the Recovery Act until sometime in the future.

The Energy Commission funds seven subprograms and related administrative costs through the Energy Program. Each subprogram contains multiple projects to be implemented by subrecipients. According to the Energy Commission's deputy director of the Administrative Services Division, the Energy Commission contract managers are assigned various projects under the subprograms and track the progress of subrecipients in carrying out activities funded with Recovery Act funds. Contract managers gather project status information, which is compiled for each of the seven subprograms. Supervisors review the information and forward it to executive management, the Energy Commission's Recovery Act Ad Hoc Committee, and other stakeholders, such as certain members of the Legislature.

As the Table shows, the Energy Commission has spent \$117.5 million as of December 20, 2011. This represents considerable progress from six months ago when we reported it had spent only \$42.8 million. At the request of the Executive Director of the Energy Commission, in August 2011 the Energy Commission contracted with the Department of Finance, Office of State Audits and Evaluations (Finance) to perform an assessment of Energy Program subrecipients' ability to spend the remaining Recovery Act funds by the April 30, 2012 spending deadline. According to the Energy Commission's deputy division chief of the Fuels and Transportation Division (deputy division chief), the assessment by Finance identified projects at risk of not being able to spend all funds by the deadline. He explained that as a result of those findings, the Energy Commission worked with the subrecipients to develop work plans and schedules to successfully complete their projects and confirm the amount of funds that should be reallocated to other projects. He stated that this is an ongoing process and is reviewed daily between contract managers and management. As the Table shows, the Energy Commission has reduced allocations for the Clean Energy Workforce Training program and the Clean Energy Business Finance program by a combined total of \$9.3 million since April 30, 2011. Similarly, the Energy Commission has increased the allocations for the California Comprehensive Residential Building Retrofit program and the Commercial Building Targeted Measure Retrofit program by a combined total of \$7 million.

Further, the deputy division chief told us that subrecipients have spent more funds than are reflected in the Energy Commission's records. Specifically, he stated that numerous subrecipients have informed their contract managers that they have spent funds but have elected to wait until the projects are complete before submitting a final invoice. Our review of the Energy Commission's December status reports found it had not paid any invoices for 15 active projects as of December 15, 2011. According to the deputy division chief, for one of these projects the subrecipient reported delays in obtaining approval from the town's legal counsel. For the remaining 14 projects, the deputy division chief stated that the subrecipients plan to submit their invoices when the projects are complete. The deputy division chief also explained that subrecipients have reported losing staff (including administrative staff) and have taken steps to reduce the administrative

burden associated with their projects, including submitting one invoice upon project completion, rather than invoicing on an ongoing basis. He indicated that the single, final invoicing process seems reasonable considering that many of these projects are short in duration. He also stated that on at least a weekly basis, contract managers communicate with subrecipients and meet with Energy Commission management to discuss the status of projects.

Additionally, Assembly Bill 11 (Statutes of 2009–10, Fourth Extraordinary Session) (AB 11), approved in July 2009, created the Energy Efficient State Property Revolving Fund to be administered by the Department of General Services (General Services) for a revolving loan program. This bill required the Energy Commission to transfer \$25 million to the newly created fund in fiscal year 2009–10. In our July 2011 report, we found that as of April 19, 2011, General Services had loaned only \$9 million of the \$25 million it had received for the Energy Efficient State Property Revolving Loan program. According to a report available on General Services' website, as of November 22, 2011, it had construction contracts totaling \$23 million and had disbursed \$16.9 million for these contracts for energy efficiency projects such as interior and exterior lighting upgrades, installing occupancy sensors, and optimizing start up routines for chillers and boilers. A similar bill, Assembly Bill 1392 (Statutes of 2011–12) (AB 1392), was approved in October 2011 and authorizes the Energy Commission to transfer an additional \$50 million to the revolving loan program in fiscal years 2011–12 and 2012–13. According to guidelines from the federal Department of Energy, General Services is considered a third party and any funds that the Energy Commission provides to a third party for this subprogram are considered spent even if that third party has not yet loaned or spent the funds. According to the deputy division chief, AB 1392 provides a valuable option to reallocate any unspent funds that would otherwise revert to the federal government. He stated that the Energy Commission intends to allocate to the Energy Efficient State Property Revolving Loan program any unspent funds, up to the \$50 million authorized by AB 1392, to ensure Recovery Act funds do not revert. Reallocating unspent Recovery Act funds to the revolving loan program will keep funds from reverting back to the federal government; however, it does not fulfill the purposes of the Recovery Act to preserve and create jobs, promote economic recovery, and invest in environmental protection until General Services uses these funds for their intended purposes.

Although the Energy Commission must continue to closely monitor the spending by its subrecipients in the coming months, considering the progress it has made and the efforts it is currently making, the risk that large sums of the Recovery Act funds will revert to the federal government does not appear as significant as in the past.

We conducted this review under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code. We limited our review to those areas specified in the letter report.

Respectfully submitted,

ELAINE M. HOWLE, CPA  
State Auditor

Above report referred to the Committee on Utilities and Commerce.

**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>      |
|-----------------|-----------------------|
| 1527 -----      | Pub. S.               |
| 1528 -----      | Pub. S.               |
| 1532 -----      | Nat. Res.             |
| 1535 -----      | Trans.                |
| 1536 -----      | Trans.                |
| 1537 -----      | B.,P. & C.P.          |
| 1538 -----      | B.,P. & C.P.          |
| 1539 -----      | Trans.                |
| 1540 -----      | W.,P. & W.            |
| 1541 -----      | U. & C. and G.O.      |
| 1542 -----      | P.E.,R. & S.S.        |
| 1545 -----      | J., E.D. & E.         |
| 1549 -----      | L. Gov. and Nat. Res. |
| 1550 -----      | Trans.                |
| 1552 -----      | Rev. & Tax.           |
| 1553 -----      | Health                |
| 1554 -----      | Hum. S.               |
| 1558 -----      | Jud.                  |

*Assembly Joint*

| <i>Resolution No.</i> | <i>Committee</i> |
|-----------------------|------------------|
| 24 -----              | Ed.              |
| 25 -----              | Trans.           |

**REQUEST FOR PHOTOGRAPHER**

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

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

**SENATE BILL NO. 81 (Committee on Budget and Fiscal Review)**—An act to amend Sections 2558.46 and 42238.146 of the Education Code, and to amend Section 57 of Chapter 7 of the Statutes of 2011, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill presented by Assembly Member Blumenfield.

Bill read third time, and passed by the following vote:

**AYES—60**

|             |           |           |             |
|-------------|-----------|-----------|-------------|
| Achadjian   | Cedillo   | Hayashi   | Norby       |
| Alejo       | Chesbro   | Hernández | Olsen       |
| Allen       | Conway    | Hill      | Pan         |
| Ammiano     | Cook      | Huber     | Perea       |
| Atkins      | Dickinson | Hueso     | Pérez, V.M. |
| Beall       | Donnelly  | Huffman   | Portantino  |
| Berryhill   | Eng       | Jones     | Silva       |
| Block       | Feuer     | Lara      | Skinner     |
| Blumenfield | Fong      | Logue     | Smyth       |
| Bradford    | Fuentes   | Lowenthal | Swanson     |
| Brownley    | Furutani  | Ma        | Torres      |
| Buchanan    | Garrick   | Mendoza   | Wieckowski  |
| Butler      | Gatto     | Mitchell  | Williams    |
| Campos      | Gordon    | Monning   | Yamada      |
| Carter      | Hall      | Nielsen   | Mr. Speaker |

**NOES—8**

|          |           |         |        |
|----------|-----------|---------|--------|
| Fletcher | Halderman | Knight  | Miller |
| Gaines   | Harkey    | Mansoor | Wagner |

Bill ordered transmitted to the Senate.

**THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY CONCURRENT RESOLUTION NO. 91 (Buchanan)**—Relative to American Heart Month and Wear Red Day.

Resolution read.

**Members Made Coauthors of  
Assembly Concurrent Resolution No. 91**

Assembly Member Buchanan was granted unanimous consent to suspend the Rules to permit Members to be listed as additional coauthors of Assembly Concurrent Resolution No. 91.

**Additional Coauthors**

The following Assembly Members requested to be listed as additional coauthors:

Achadjian, Alejo, Allen, Ammiano, Atkins, Beall, Bill Berryhill, Block, Blumenfield, Bonilla, Bradford, Brownley, Butler, Campos, Carter, Cedillo, Chesbro, Conway, Cook, Dickinson, Donnelly, Eng, Feuer, Fletcher, Fong, Fuentes, Furutani, Beth Gaines, Garrick, Gatto, Gordon, Grove, Hagman, Halderman, Hall, Harkey, Roger Hernández, Hill, Huber, Hueso, Huffman, Jeffries, Jones, Lara, Logue, Bonnie Lowenthal, Ma, Mansoor, Miller, Mitchell, Monning, Morrell, Nestande, Olsen, Pan, Perea, John A. Pérez, V. Manuel Pérez, Portantino, Silva, Skinner, Smyth, Swanson, Torres, Wagner, Wieckowski, and Yamada.

**Request for Unanimous Consent**

Assembly Member Buchanan was granted unanimous consent to take up Assembly Concurrent Resolution No. 91, as amended, without reference to print or file, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 91, as Amended**

**ASSEMBLY CONCURRENT RESOLUTION NO. 91**—Relative to American Heart Month and Wear Red Day.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.



**RECESS**

By unanimous consent, at 9:35 a.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Buchanan introduced Joe Farrell of the San Ramon Valley Heart Safe Community, Greg Gilbert, Emergency Services Manager from the town of Danville, Members of the San Ramon Valley Fire District, and volunteers of the American Heart Association, and recognized the month of February 2012 as “American Heart Month” and February 3, 2012 as “Wear Red Day in California” to bring awareness to Californians about heart disease, whereupon she presented a Members’ Resolution.

**RECONVENED**

At 9:37 a.m., the Assembly reconvened.

Hon. Mike Gatto, Assistant Speaker pro Tempore of the Assembly, presiding.

**BILLS ORDERED TRANSMITTED TO SENATE IMMEDIATELY**

Assembly Member Blumenfield was granted unanimous consent that Senate Bill No. 81 be ordered transmitted to the Senate immediately.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 95 (Committee on Budget and Fiscal Review)**—An act to amend Sections 16310 and 16429 of, and to add Section 16312.1 to, the Government Code, to amend Sections 7104.2 and 8351 of the Revenue and Taxation Code, and to amend Sections 181, 182, 2100, 2101, 2103, 2104, 2104.1, 2105, 2106, 2107, 2107.5, 2107.6, 2108, 2110, and 2110.5 of the Streets and Highways Code, relating to state cash resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill presented by Assembly Member Blumenfield.

Bill read third time, and passed by the following vote:

**AYES—54**

|             |           |           |             |
|-------------|-----------|-----------|-------------|
| Achadjian   | Cedillo   | Hernández | Pan         |
| Alejo       | Chesbro   | Hill      | Perea       |
| Allen       | Davis     | Huber     | Pérez, V.M. |
| Ammiano     | Dickinson | Hueso     | Portantino  |
| Atkins      | Eng       | Huffman   | Skinner     |
| Beall       | Feuer     | Jeffries  | Solorio     |
| Block       | Fletcher  | Lara      | Swanson     |
| Blumenfield | Fong      | Lowenthal | Torres      |
| Bonilla     | Fuentes   | Ma        | Wieckowski  |
| Bradford    | Furutani  | Mendoza   | Williams    |
| Brownley    | Gatto     | Miller    | Yamada      |
| Butler      | Gordon    | Mitchell  | Mr. Speaker |
| Campos      | Hall      | Monning   |             |
| Carter      | Hayashi   | Nestande  |             |

**NOES—17**

|          |           |         |        |
|----------|-----------|---------|--------|
| Donnelly | Halderman | Mansoor | Smyth  |
| Gaines   | Harkey    | Morrell | Wagner |
| Garrick  | Jones     | Nielsen |        |
| Grove    | Knight    | Olsen   |        |
| Hagman   | Logue     | Silva   |        |

Bill ordered transmitted to the Senate immediately.

**RECESS**

By unanimous consent, at 9:50 a.m., Assistant Speaker pro Tempore Gatto declared the Assembly recessed to permit the introduction of a special guest.

Speaker Pérez introduced the Right Honourable Francis Maude, the United Kingdom's Minister for the Cabinet Office and Paymaster General, and Member of Parliament.

**RECONVENED**

At 9:52 a.m., the Assembly reconvened.

Hon. Fiona Ma, Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 98 (Committee on Budget and Fiscal Review)**—An act to amend Sections 130, 2702, and 2703 of, and to add and repeal Sections 2701 and 2708 of, the Business and Professions Code, relating to healing arts, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill presented by Assembly Member Blumenfield.

Bill read third time, and passed by the following vote:

**AYES—55**

|             |           |           |             |
|-------------|-----------|-----------|-------------|
| Achadjian   | Carter    | Hernández | Pan         |
| Alejo       | Cedillo   | Hill      | Perea       |
| Allen       | Chesbro   | Huber     | Pérez, V.M. |
| Ammiano     | Davis     | Hueso     | Portantino  |
| Atkins      | Dickinson | Huffman   | Skinner     |
| Beall       | Eng       | Jones     | Smyth       |
| Block       | Feuer     | Lowenthal | Solorio     |
| Blumenfield | Fletcher  | Ma        | Swanson     |
| Bonilla     | Fong      | Mendoza   | Torres      |
| Bradford    | Fuentes   | Miller    | Wieckowski  |
| Brownley    | Furutani  | Mitchell  | Williams    |
| Buchanan    | Gatto     | Monning   | Yamada      |
| Butler      | Gordon    | Nestande  | Mr. Speaker |
| Campos      | Hall      | Olsen     |             |

**NOES—13**

|          |           |         |        |
|----------|-----------|---------|--------|
| Conway   | Hagman    | Mansoor | Wagner |
| Donnelly | Halderman | Morrell |        |
| Gaines   | Knight    | Nielsen |        |
| Grove    | Logue     | Silva   |        |

**Vote Changes**

By unanimous consent, the following vote change was permitted on Senate Bill No. 98: Assembly Member Garrick from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate immediately.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY CONCURRENT RESOLUTION NO. 85 (Mendoza)**—Relative to India Republic Day.

Resolution read.

**Members Made Coauthors of  
Assembly Concurrent Resolution No. 85**

Assembly Member Mendoza was granted unanimous consent to suspend the Rules to permit Members to be listed as additional coauthors of Assembly Concurrent Resolution No. 85.

**Additional Coauthors**

The following Assembly Members requested to be listed as additional coauthors:

Achadjian, Alejo, Allen, Ammiano, Atkins, Beall, Bill Berryhill, Block, Blumenfield, Bradford, Brownley, Buchanan, Butler, Campos, Carter, Cedillo, Chesbro, Cook, Davis, Dickinson, Donnelly, Eng, Feuer, Fletcher, Fong, Fuentes, Furutani, Beth Gaines, Garrick, Gatto, Gordon, Grove, Hagman, Halderman, Hall, Harkey, Hayashi, Roger Hernández, Hill, Hueso, Huffman, Jeffries, Jones, Lara, Logue, Ma, Miller, Mitchell, Monning, Morrell, Nestande, Nielsen, Olsen, Pan, Perea, John A. Pérez, V. Manuel Pérez, Portantino, Silva, Skinner, Smyth, Solorio, Swanson, Torres, Wagner, Williams, and Yamada.

**Request for Unanimous Consent**

Assembly Member Mendoza was granted unanimous consent to take up Assembly Concurrent Resolution No. 85, as amended, without reference to print or file, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 85, as Amended**

**ASSEMBLY CONCURRENT RESOLUTION NO. 85**—Relative to India Republic Day.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

**RECESS**

By unanimous consent, at 10:12 a.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Mendoza introduced Dilip Butani, Ajoy Dube, Anju Garg, Aparna Hande, Amrit Bandari, Mohan Sharma, Kewal Kanda, Ramesh Bhatt, and Harish Dhruv, in recognition of India Republic Day, whereupon he presented a Members' Resolution.

**RECONVENED**

At 10:13 a.m., the Assembly reconvened.

Hon. Fiona Ma, Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**SENATE BILL NO. 9 (Yee)**—An act to amend Section 1170 of the Penal Code, relating to sentencing.

Bill read third time.

**Motion to Amend**

Assembly Member Cedillo moved the adoption of amendments.

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

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Blumenfield announced that the Budget Subcommittee No. 6 on Budget Process, Oversight and Program Evaluation would meet today, at 11:30 a.m., in Room 437.

**ANNOUNCEMENTS**

Speaker pro Tempore Ma announced the following session schedule:

Friday, February 3, 2012, No session;

Monday, February 6, 2012, Floor Session, 12 noon.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motion to reconsider the vote on Senate Bill No. 923 was continued until the next legislative day.

**ADJOURN IN MEMORY**

Assembly Member Achadjian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Fred Madriaga of Santa Maria.

Assembly Member Bonnie Lowenthal was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tony Gonzales of Long Beach.

Assembly Member Portantino was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Susan Owaki Bierman of La Cañada.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

**Senate Bill No. 81:** Conway, Donnelly, Fuentes, Hayashi, Mendoza, and Nielsen—Aye; Fletcher, Beth Gaines, Knight, and Miller—No.

**Senate Bill No. 95:** Cedillo and Fletcher—Aye; Silva—No.

**Senate Bill No. 98:** Cedillo, Fuentes, and Torres—Aye.

**MOTION TO ADJOURN**

At 10:15 a.m., Assembly Member Allen moved that the Assembly do now adjourn.

Assembly Member Conway seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 10:15 a.m., Speaker pro Tempore Ma 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. 1576—Huber (Coauthor: Beth Gaines) (Coauthor: Senator Ted Gaines).** An act to amend Sections 1042 and 47603 of the Education Code, relating to charter schools.

**ASSEMBLY BILL NO. 1577—Atkins.** An act to add Section 3007.5 to the Penal Code, relating to parolees.

**ASSEMBLY BILL NO. 1578—Logue.** An act to add the Indian Valley Watermaster District Act to the Water Code, relating to water.

**ASSEMBLY BILL NO. 1579—Campos.** An act to add Section 1374.196 to the Health and Safety Code, and to add Section 10120.4 to the Insurance Code, relating to health care coverage.

**ASSEMBLY BILL NO. 1580—Bonilla.** An act to amend Section 15926 of the Welfare and Institutions Code, relating to public health.

**ASSEMBLY BILL NO. 1581—Wieckowski (Principal coauthor: Senator Wolk).** An act to add Section 17537.15 to the Business and Professions Code, relating to advertising.

**ASSEMBLY BILL NO. 1582—Wagner.** An act to amend Section 367.5 of the Code of Civil Procedure, relating to civil actions.

**ASSEMBLY BILL NO. 1583—Roger Hernández.** An act to add Section 21609.7 to the Business and Professions Code, relating to junk dealers.

**ASSEMBLY BILL NO. 1584—Eng.** An act to amend Section 33430 of, and to repeal Sections 33431 and 33432 of, the Education Code, relating to health education.

**ASSEMBLY BILL NO. 1585—John A. Pérez, Atkins, Dickinson, Hill, Mitchell, Perea, and Torres.** An act to amend Sections 34171, 34176, 34177, 34179, 34180, 34181, and 34183 of the Health and Safety Code, relating to redevelopment, and declaring the urgency thereof, to take effect immediately.

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 97—Perea.** Relative to Sikh American Awareness and Appreciation Month.

**ASSEMBLY CONCURRENT RESOLUTION NO. 98—Wagner.** Relative to the California Law Revision Commission.

**REPORTS OF STANDING COMMITTEES  
Committee on Rules**

Date of Hearing: February 2, 2012

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 92

Assembly Concurrent Resolution No. 93

With the recommendation: Be adopted.

SKINNER, Chair

Above resolutions ordered to third reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, February 2, 2012

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 81  
Senate Bill No. 95  
Senate Bill No. 98

GREGORY P. SCHMIDT, Secretary of the Senate  
By Bernadette McNulty, Assistant Secretary

Senate Chamber, February 2, 2012

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 10  
Senate Concurrent Resolution No. 60

GREGORY P. SCHMIDT, Secretary of the Senate  
By Bernadette McNulty, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following resolutions were read:

**SENATE JOINT RESOLUTION NO. 10**—Relative to firearms trafficking.

**SENATE CONCURRENT RESOLUTION NO. 60**—Relative to California Teen Safe Driving Week.

**INTRODUCTION OF GUESTS**

Assembly Member Skinner, of the 14th Assembly District, introduced students from Longfellow Middle School in Berkeley.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Allen, the Assembly adjourned until 12 noon, Monday, February 6, 2012, out of respect to the memory of Fred Madriaga on motion of Assembly Member Achadjian; out of respect to the memory of Tony Gonzales on motion of Assembly Member Bonnie Lowenthal; and out of respect to the memory of Susan Owaki Bierman on motion of Assembly Member Portantino.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 2, 2012**

The following measure was amended in the Assembly on this day:

| <b>SB</b> | <b>RN</b> |
|-----------|-----------|
| 9         | 1203244   |

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|--------------------------|-------------|
| <b>Daily Total:</b>      | <b>1</b>    |
| <b>Cumulative Total:</b> | <b>2484</b> |

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