

CALIFORNIA LEGISLATURE
2011–12 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, September 6, 2011

SIXTY-FIRST SESSION DAY

TWO 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.

(Please direct any inquiries and report any omissions or errors to Minute Clerk: Phone 916-319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, September 6, 2011

The Assembly met at 12:19 p.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, and the following answered to their names—78:

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

Quorum present.

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

PRAYER

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

Lord, When You look at humanity, You don't see different races. You don't see different social standings, colors or creeds. You just see us as part of Your beautiful creation, all made in Your own image and likeness. When we classify people, Lord, we aren't able to enjoy the presence of all those You may place in our lives. Help us to see others through Your eyes, so that we can all live in unity as children of God.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Monning 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 Charles Calderon, 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 active duty military deployment, and waiving per diem (Assembly Journal, page 452): Assembly Member Gorell.

Because of illness: Assembly Member Mendoza.

**REQUEST FOR UNANIMOUS CONSENT TO SUSPEND
ASSEMBLY RULE 77**

Assembly Member Charles Calderon requested unanimous consent that Assembly Rule 77 be suspended to permit consideration of Senate amendments to Assembly Bills Nos. 21 and 30 without reference to file.

Assembly Member Hagman withheld unanimous consent.

Motion to Suspend Assembly Rule 77

Assembly Member Charles Calderon moved that Assembly Rule 77 be suspended to permit consideration of Senate amendments to Assembly Bills Nos. 21 and 30 without reference to file.

Assembly Member Feuer seconded the motion.

Motion to suspend Assembly Rule 77 carried by the following vote:

AYES—48

Alejo	Campos	Gatto	Monning
Allen	Carter	Gordon	Pan
Ammiano	Cedillo	Hall	Perea
Atkins	Chesbro	Hayashi	Pérez, V.M.
Beall	Davis	Hernández	Portantino
Block	Dickinson	Hill	Skinner
Blumenfield	Eng	Huber	Solorio
Bonilla	Feuer	Hueso	Swanson
Bradford	Fong	Huffman	Torres
Buchanan	Fuentes	Lara	Wieckowski
Butler	Furutani	Lowenthal	Yamada
Calderon	Galgiani	Ma	Mr. Speaker

NOES—26

Achadjian	Garrick	Knight	Olsen
Berryhill	Grove	Logue	Silva
Conway	Hagman	Mansoor	Smyth
Cook	Halderman	Miller	Valadao
Donnelly	Harkey	Morrell	Wagner
Fletcher	Jeffries	Nestande	
Gaines	Jones	Norby	

RECESS

By unanimous consent, at 12:21 p.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene Regular Session.

RECONVENED

At 4:48 p.m., the Assembly reconvened.

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

**CONSIDERATION OF SENATE AMENDMENTS
WITHOUT REFERENCE TO FILE**

Pursuant to the motion by Assembly Member Charles Calderon and a roll call vote taken earlier this day, the following bills were taken up for consideration of Senate amendments without reference to file:

ASSEMBLY BILL NO. 21 (Blumenfield)—An act to add Section 99047 to the Government Code, to amend Sections 12009, 12201, 12204, 12207, 12242, 12251, 12253, 12254, 12257, 12258, 12260, 12301, 12302, 12303, 12304, 12305, 12307, 12412, 12413, 12421, 12422, 12423, 12427, 12428, 12429, 12431, 12433, 12434, 12491, 12493, 12494, 12601, 12602, 12631, 12632, 12636, 12636.5, 12679, 12681, 12801, 12951, 12977, 12983, 12984, and 13108 of, and to add Section 12243 to, the Revenue and Taxation Code, and to amend Section 14301.11 of the Welfare and Institutions Code, relating to public health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Blumenfield moved a call of the Assembly.

Motion carried. Time, 4:50 p.m.

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

ASSEMBLY BILL NO. 30 (Blumenfield)—An act to amend the Budget Act of 2011 (Chapter 33 of the Statutes of 2011) by amending Items 4280-101-0001, 4280-101-3156, 4280-102-0001, and 4280-102-3156 of Section 2.00 of that act, relating to the Managed Risk Medical Insurance Board, and making an appropriation therefor, to take effect immediately, Budget Bill.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Blumenfield moved a call of the Assembly.

Motion carried. Time, 4:52 p.m.

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

RECESS

By unanimous consent, at 4:52 p.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene Regular Session.

RECONVENED

At 5:16 p.m., the Assembly reconvened.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 21**

At 5:16 p.m., on motion of Assembly Member Blumenfield, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly refused to concur in Senate amendments which add an urgency clause to Assembly Bill No. 21 by the following vote:

AYES—53

Alejo	Carter	Hayashi	Perea
Allen	Cedillo	Hernández	Portantino
Ammiano	Chesbro	Hill	Skinner
Atkins	Davis	Huber	Smyth
Beall	Dickinson	Hueso	Solorio
Block	Eng	Huffman	Swanson
Blumenfield	Feuer	Lara	Torres
Bonilla	Fong	Lowenthal	Wieckowski
Bradford	Fuentes	Ma	Williams
Brownley	Furutani	Miller	Yamada
Buchanan	Gatto	Mitchell	Mr. Speaker
Butler	Gordon	Monning	
Calderon	Grove	Morrell	
Campos	Hall	Pan	

NOES—None

**Motion to Reconsider Assembly Bill No. 21
on Next Legislative Day**

Assembly Member Blumenfield moved to reconsider on the next legislative day the vote whereby Senate amendments which add an urgency clause to Assembly Bill No. 21 were this day refused concurrence.

Assembly Bill No. 21 ordered to the unfinished business file.

Explanation of Vote—Assembly Bill No. 21, First Extraordinary Session

September 6, 2011

E. Dotson Wilson

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

Dear Mr. Wilson: On Tuesday, September 6, 2011, I inadvertently voted “Aye” on Assembly Bill No. 21 in the First Extraordinary Session when it was my intention to abstain. I respectfully request that the record reflect my vote as “Not Voting” on AB 21. Thank you for your assistance.

Sincerely,

MIKE MORRELL, Assembly Member
Sixty-third District

**CALL OF THE ASSEMBLY DISPENSED WITH ON
CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 30**

At 5:17 p.m., on motion of Assembly Member Blumenfield, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 30 by the following vote:

AYES—57

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

NOES—1

Nielsen

VOTE ADDS

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

Charles Calderon Motion to Suspend Assembly Rule 77, Relative to Assembly Bills Nos. 21 and 30: Cedillo, Hill, and Swanson—Aye; Bill Berryhill, Jeffries, Knight, Logue, Miller, and Smyth—No.

Assembly Bill No. 21, Urgency and Concurrence: Davis, Grove, Huber, Miller, Morrell, and Smyth—Aye.

Assembly Bill No. 30, Concurrence: Achadjian, Fuentes, Galgiani, Grove, Huber, Miller, Morrell, Olsen, and Smyth—Aye; Nielsen—No.

RECESS

By unanimous consent, at 5:18 p.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene Regular Session.

AUTHOR'S AMENDMENTS
Committee on Budget

September 6, 2011

Mr. Speaker: The Chair of your Committee on Budget reports:

Senate Bill No. 5

Senate Bill No. 6

Senate Bill No. 18

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

BLUMENFIELD, Chair

SENATE BILL NO. 5—An act to amend Sections 26605 and 30025 of the Government Code, to amend Sections 11355 and 11382 of the Health and Safety Code, to amend Sections 17, 18, 273d, 667.5, 800, 1170, 1170.1, 2933, 3000.08, 3000.09, 3001, 3003, 3056, 3057, 3060.7, 3067, 3073.1, 3450, 3453, 3454, 3455, 3456, 4000, 4019, 4501.1, 4530, 12021.5, and 12025 of, to add Sections 1233.15, 3460, 3465, 4019.2, and 4115.56 to, and to repeal and add Section 2932 of, the Penal Code, to amend Section 9 of Chapter 136 of the Statutes of 2011, and to amend Item 5225-007-0001 of Section 2.00 of the Budget Act of 2011 (Chapter 33 of the Statutes of 2011), relating to criminal justice realignment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time.

SENATE BILL NO. 6—An act to amend 76300 of the Education Code, relating to Section 3.94 of the Budget Act of 2011, making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time.

SENATE BILL NO. 18—An act to amend Sections 41210, 76300, and 84321.6 of, to add Section 42285.5 to, and to add and repeal Section 84321.8 of, the Education Code, and to amend Item 6110-488 of Section 2.00 of the Budget Act of 2011, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time.

Author's amendments, presented pursuant to Assembly Rules, read and adopted; bills ordered reprinted, and to be re-referred to the committee.

ADJOURNMENT

At 8 p.m., the Assembly adjourned to reconvene upon call of the Speaker.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON SEPTEMBER 6, 2011**

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

SB	RN
5	1126797
6	1126812
18	1126813

Daily Total:	3
Cumulative Total:	29

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