

CALIFORNIA LEGISLATURE
2011-12 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, September 8, 2011

SIXTY-THIRD SESSION DAY

TWO HUNDRED SEVENTY-SEVENTH 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, September 8, 2011

The Assembly met at 11:45 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, and the following answered to their names—79:

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

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, Only faith, hope and love will last into eternity. We can't have faith until we have hope and our faith won't work without love. We can do a lot of "good things" or have a lot of knowledge in life, but if we don't have love, those "things" won't matter in eternity. Lord, when love is the foundation of everything we do, then we aren't just going through the motions—all that we do will have value. Show us ways to grow in love, Lord, as we keep our hearts and minds fixed on You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Perea 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 Conway.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

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

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

<i>Assembly</i>	
<i>Bill No.</i>	<i>Committee</i>
43 -----	Rev. & Tax.

REQUEST FOR UNANIMOUS CONSENT TO SUSPEND ASSEMBLY RULE 63

Assembly Member Charles Calderon requested unanimous consent that Assembly Rule 63 be suspended to permit consideration of Senate Bills Nos. 6, 8, and 13 as amended, without reference to print or file.

Assembly Member Hagman withheld unanimous consent.

Motion to Suspend Assembly Rule 63

Assembly Member Charles Calderon moved that Assembly Rule 63 be suspended to permit consideration of Senate Bills Nos. 6, 8, and 13 as amended, without reference to print or file.

Assembly Member Gatto seconded the motion.

Motion to suspend Assembly Rule 63 carried by the following vote:

AYES—52

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

NOES—27

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

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

SENATE BILL NO. 4—An act to amend Sections 30025, 30027, 30028.5, and 30061 of, and to add Sections 30029.3 and 30029.4 to, the Government Code, to amend Section 13821 of the Penal Code, to amend Sections 1954, 10823, 17600, 17600.10, 17601.20, and 18220.1 of the Welfare and Institutions Code, and to amend Section 14 of Chapter 40 of the Statutes of 2011, relating to local government finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time, and ordered to third reading.

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, and ordered to third reading.

SENATE BILL NO. 6—An act to amend Section 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, and ordered to third reading.

SENATE BILL NO. 8—An act to amend Sections 33334.2, 33690, 33690.5, 34162, 34163, 34165, 34167, 34171, 34176, 34177, 34179, 34181, 34182, 34183, 34185, 34187, 34194, 34194.4, and 34195 of, and to add Section 34194.25 to, the Health and Safety Code, relating to redevelopment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 13—An act to add Section 34194.05 to the Health and Safety Code, relating to redevelopment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time, and ordered to third reading.

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, and ordered to third reading.

Motion to Suspend the Rules

Assembly Member Jeffries moved that the Rules be suspended for the purpose of taking up Assembly Bill No. 45 without reference to file for purpose of consideration.

Assembly Member Donnelly seconded the motion.

Motion to suspend the Rules lost by the following vote:

AYES—31

Achadjian	Garrick	Huffman	Nestande
Berryhill	Grove	Jeffries	Nielsen
Bradford	Hagman	Jones	Norby
Brownley	Halderman	Knight	Olsen
Conway	Hall	Logue	Silva
Cook	Harkey	Mansoor	Valadao
Donnelly	Hayashi	Miller	Wagner
Gaines	Huber	Morrell	

NOES—46

Alejo	Carter	Gordon	Pérez, V.M.
Allen	Cedillo	Hernández	Skinner
Ammiano	Davis	Hill	Smyth
Atkins	Dickinson	Hueso	Solorio
Beall	Eng	Lara	Swanson
Block	Feuer	Lowenthal	Torres
Blumenfield	Fletcher	Ma	Wieckowski
Bonilla	Fong	Mendoza	Williams
Buchanan	Fuentes	Mitchell	Yamada
Butler	Furutani	Monning	Mr. Speaker
Calderon	Galgiani	Pan	
Campos	Gatto	Perea	

RECESS

By unanimous consent, at 11:59 a.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene Regular Session.

RECONVENED

At 3:26 p.m., the Assembly reconvened.

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

REQUEST FOR UNANIMOUS CONSENT TO SUSPEND THE RULES

Assembly Member Charles Calderon requested unanimous consent that the Rules be suspended for the purpose of withdrawing Assembly Bill No. 40 for the purpose of consideration of proposed amendments and to take up the bill as amended without reference to print or file.

Assembly Member Hagman withheld unanimous consent.

Request for Division of the Question

Assembly Member Hagman requested that the question be divided to permit consideration of the requests to suspend the Rules relative to Assembly Bill No. 40, separately.

Ruling by Speaker pro Tempore Ma

Speaker pro Tempore Ma ruled that the question is divisible as requested.

Question 1

The question being on the Charles Calderon Motion to Suspend the Rules for the purpose of withdrawing Assembly Bill No. 40 from committee for the purpose of consideration of proposed amendments.

Motion to suspend the Rules carried by the following vote:

AYES—50

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

NOES—27

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

Further Consideration of Assembly Bill No. 40

ASSEMBLY BILL NO. 40 (Allen)—An act to amend Sections 23101 and 25128 of, to amend and repeal Section 25128.5 of, to amend and repeal Section 25136 of, to add Sections 6377, 25128.7, 25136.1, and 25136.2 to, and to repeal and amend Sections 17053.80 and 23623 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

Motion to Amend—Set 1

Assembly Member Fuentes moved the adoption of amendments.
Amendments read and adopted by the following vote:

AYES—52

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

NOES—25

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

Bill ordered reprinted.

Question 2

The question being on the Charles Calderon Motion to Suspend Assembly Rule 63 to permit consideration of Assembly Bill No. 40 as amended, without reference to print or file.

Motion to suspend Assembly Rule 63 carried by the following vote:

AYES—49

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

NOES—27

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

Further Consideration of Assembly Bill No. 40, as Amended, Set 1

ASSEMBLY BILL NO. 40 (Fuentes)—An act to amend Sections 17062, 23101, 23151, 23153, and 25128 of, to amend and repeal Section 25128.5 of, to amend, repeal, and add Sections 17073.5 and 25136 of, and to add Sections 6377, 17137, 25128.7, and 25136.1 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill presented by Assembly Member Fuentes.

Bill read third time.

Assembly Bill No. 40 Passed Temporarily

By unanimous consent, Assembly Bill No. 40 was passed temporarily.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 16 (Blumenfield)—An act to amend Sections 30025, 30027, 30028.5, and 30061 of, and to add Sections 30029.3 and 30029.4 to, the Government Code, to amend Section 13821 of the Penal Code, to amend Sections 1954, 10823, 17600, 17600.10, 17601.20, and 18220.1 of the Welfare and Institutions Code, and to amend Section 14 of Chapter 40 of the Statutes of 2011, relating to local government finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

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, and the Assembly concurred in Senate amendments by the following vote:

AYES—45

Alejo	Calderon	Hall	Pan
Allen	Campos	Hayashi	Skinner
Ammiano	Carter	Hernández	Solorio
Atkins	Cedillo	Hill	Swanson
Beall	Davis	Huber	Torres
Block	Dickinson	Hueso	Wieckowski
Blumenfield	Eng	Huffman	Williams
Bonilla	Feuer	Lara	Yamada
Bradford	Fong	Ma	Mr. Speaker
Brownley	Fuentes	Mendoza	
Buchanan	Galgiani	Mitchell	
Butler	Gordon	Monning	

NOES—29

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

Vote Changes

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 16: Assembly Member Gatto from “Aye” to “No”; Assembly Member V. Manuel Pérez from “Aye” to “Not Voting”.

Bill ordered enrolled.

ASSEMBLY BILL NO. 17 (Blumenfield)—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.

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, and the Assembly concurred in Senate amendments by the following vote:

AYES—47

Alejo	Calderon	Galgiani	Ma
Allen	Campos	Gatto	Mendoza
Ammiano	Carter	Gordon	Mitchell
Atkins	Cedillo	Hall	Monning
Beall	Chesbro	Hayashi	Pan
Block	Davis	Hernández	Perea
Blumenfield	Dickinson	Hill	Skinner
Bonilla	Eng	Huber	Swanson
Bradford	Feuer	Hueso	Wieckowski
Brownley	Fong	Huffman	Yamada
Buchanan	Fuentes	Lara	Mr. Speaker
Butler	Gaines	Lowenthal	

NOES—27

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

Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 17: Assembly Member Beth Gaines from “No” to “Aye”.

Bill ordered enrolled.

ASSEMBLY BILL NO. 32 (Blumenfield)—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.

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, and the Assembly concurred in Senate amendments by the following vote:

AYES—49

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

NOES—27

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

Bill ordered enrolled.

CAUCUS ANNOUNCEMENTS

At 4:01 p.m., by unanimous consent, the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 4:01 p.m., Speaker pro Tempore Ma declared the Assembly recessed.

RECONVENED

At 4:53 p.m., the Assembly reconvened.

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

**CONSIDERATION OF SENATE BILL NO. 6
WITHOUT REFERENCE TO FILE**

Pursuant to the motion by Assembly Member Charles Calderon and a roll call vote taken earlier this day, Assembly Member Blumenfield was permitted to take up Senate Bill No. 6 without reference to file, for purpose of consideration.

SENATE BILL NO. 6 (Committee on Budget and Fiscal Review)—An act to amend Section 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 presented by Assembly Member Blumenfield.

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

AYES—48

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

NOES—27

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

Bill ordered transmitted to the Senate.

**CONSIDERATION OF SENATE BILL NO. 8
WITHOUT REFERENCE TO FILE**

Pursuant to the motion by Assembly Member Charles Calderon and a roll call vote taken earlier this day, Assembly Member Blumenfield was permitted to take up Senate Bill No. 8 without reference to file, for purpose of consideration.

SENATE BILL NO. 8 (Committee on Budget and Fiscal Review)—An act to amend Sections 33334.2, 33690, 33690.5, 34162, 34163, 34165, 34167, 34171, 34176, 34177, 34179, 34181, 34182, 34183, 34185, 34187, 34194, 34194.4, and 34195 of, and to add Section 34194.25 to, the Health and Safety Code, relating to redevelopment, 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—47

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

NOES—27

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

Bill ordered transmitted to the Senate.

**CONSIDERATION OF SENATE BILL NO. 13
WITHOUT REFERENCE TO FILE**

Pursuant to the motion by Assembly Member Charles Calderon and a roll call vote taken earlier this day, Assembly Member Blumenfield was permitted to take up Senate Bill No. 13 without reference to file, for purpose of consideration.

SENATE BILL NO. 13 (Committee on Budget and Fiscal Review)—An act to add Section 34194.05 to the Health and Safety Code, relating to redevelopment, 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—56

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

NOES—13

Berryhill	Grove	Nielsen	Wagner
Donnelly	Logue	Norby	
Fletcher	Mendoza	Smyth	
Gaines	Miller	Swanson	

Vote Changes

By unanimous consent, the following vote change was permitted on Senate Bill No. 13: Assembly Member Achadjian from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**RE-REFERENCE OF BILLS TO COMMITTEE
PURSUANT TO ASSEMBLY RULE 77.2**

Pursuant to Assembly Rule 77.2, Speaker pro Tempore Ma re-referred Assembly Bill No. 31 to the Committee on Budget.

(NOTE: On September 9, 2011, the action was revised, whereby Assembly Bill No. 31 was re-referred to the Committee on Budget pursuant to Assembly Rule 77.2, and the bill was re-referred to the Committee on Appropriations pursuant to Assembly Rule 77.2. See Assembly Journal for the First Extraordinary Session, page 329.)

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)**

ASSEMBLY BILL NO. 21 RECONSIDERED BY UNANIMOUS CONSENT

In compliance with a motion given on a previous day, Assembly Member Blumenfield was granted unanimous consent that the vote be reconsidered whereby the urgency clause to Assembly Bill No. 21 was refused adoption.

Further Consideration of Assembly Bill No. 21

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.)

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—64

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

NOES—14

Donnelly	Harkey	Mansoor	Norby
Gaines	Jones	Miller	Silva
Garrick	Knight	Morrell	
Halderman	Logue	Nielsen	

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—64

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

NOES—14

Donnelly	Harkey	Mansoor	Norby
Gaines	Jones	Miller	Silva
Garrick	Knight	Morrell	
Halderman	Logue	Nielsen	

Bill ordered enrolled.

RECESS

By unanimous consent, at 5:10 p.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene Regular Session.

RECONVENED

At 5:41 p.m., the Assembly reconvened.

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

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 40

ASSEMBLY BILL NO. 40 (Fuentes)—An act to amend Sections 17062, 23101, 23151, 23153, and 25128 of, to amend and repeal Section 25128.5 of, to amend, repeal, and add Sections 17073.5 and 25136 of, and to add Sections 6377, 17137, 25128.7, and 25136.1 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

Motion to Amend—Set 2

Assembly Member Fuentes moved the adoption of amendments.
Amendments read and adopted by the following vote:

AYES—53

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

NOES—23

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

Further Consideration of Assembly Bill No. 40, as Amended, Set 2

ASSEMBLY BILL NO. 40 (Fuentes)—An act to amend Sections 17062, 23101, 23151, 23153, and 25128 of, to amend and repeal Section 25128.5 of, to amend, repeal, and add Sections 17073.5 and 25136 of, and to add Sections 6377, 17137, 25128.7, and 25136.1 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill presented by Assembly Member Fuentes.

Bill read third time.

ANNOUNCEMENT

Speaker pro Tempore Ma advised Assembly Member Donnelly to speak to the merits of the bill before the Body.

The question being on the passage of the bill.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 6:49 p.m.

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

RECESS

By unanimous consent, at 6:49 p.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene Regular Session.

RECONVENED

At 7:32 p.m., the Assembly reconvened.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 40**

At 7:32 p.m., on motion of Assembly Member Fuentes, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 40 passed by the following vote:

AYES—54

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

NOES—15

Achadjian	Donnelly	Jones	Nielsen
Berryhill	Grove	Knight	Norby
Conway	Halderman	Logue	Silva
Cook	Harkey	Morrell	

Bill ordered transmitted to the Senate.

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 the Rules Relative to Senate Bills Nos. 6, 8, and 13: Beall, Buchanan, Hall, Huffman, and Skinner—Aye; Fletcher, Jones, Nestande, and Olsen—No.

Jeffries Motion to Suspend the Rules Relative to Assembly Bill No. 45: Bradford, Brownley, Hall, Hayashi, Huber, Huffman, and Jones—Aye; Fletcher, Galgiani, Mendoza, and Smyth—No.

Charles Calderon Motion to Suspend the Rules Relative to Assembly Bill No. 40, Question 1: Cedillo, Davis, Galgiani, Hall, and Mendoza—Aye; Fletcher, Morrell, Nestande, and Olsen—No.

Assembly Bill No. 40, Fuentes Amendments, Set 1: Davis, Fletcher, Hall, Mendoza, Perea, and Smyth—Aye; Nestande and Olsen—No.

Charles Calderon Motion to Suspend the Rules Relative to Assembly Bill No. 40, Question 2: Block, Cedillo, Davis, Hall, and Mendoza—Aye; Fletcher, Norby, Olsen, and Smyth—No.

Assembly Bill No. 16, Concurrence: Davis, Galgiani, Hall, Huber, Lara, and Mendoza—Aye; Fletcher, Norby, and Smyth—No.

Assembly Bill No. 17, Concurrence: Galgiani, Hayashi, Huber, Mendoza, and Perea—Aye; Jones and Norby—No.

Assembly Bill No. 32, Concurrence: Galgiani, Hall, Hayashi, Mendoza, Mitchell, Perea, and Williams—Aye; Conway, Fletcher, Jones, Miller, and Norby—No.

Senate Bill No. 6: Alejo, Ammiano, Eng, Huber, Mendoza, Monning, and Skinner—Aye; Cook, Donnelly, Fletcher, Garrick, Logue, and Norby—No.

Senate Bill No. 8: Davis, Gatto, Huber, and Lara—Aye; Cook, Donnelly, Fletcher, Mendoza, and Norby—No.

Senate Bill No. 13: Huber, Olsen, and Skinner—Aye; Donnelly, Fletcher, Grove, Logue, Mendoza, Nielsen, and Smyth—No.

Assembly Bill No. 21, Urgency and Concurrence: Fletcher, Galgiani, Huber, V. Manuel Pérez, Valadao, and Wagner—Aye; Beth Gaines, Logue, Miller, Nielsen, and Norby—No.

Assembly Bill No. 40, Fuentes Amendments, Set 2: Beall and Mendoza—Aye; Conway, Jones, Morrell, and Norby—No.

Assembly Bill No. 40: Bill Berryhill, Conway, Halderman, Harkey, and Norby—No.

REPORTS OF STANDING COMMITTEES

Committee on Revenue and Taxation

Date of Hearing: September 8, 2011

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 43

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

PEREA, Chair

Above bill re-referred to the Committee on Appropriations.

RECESS

By unanimous consent, at 7:33 p.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene Regular Session.

ADJOURNMENT

At 11 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 8, 2011**

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

AB RN
40 1126992*

Daily Total: 1
Cumulative Total: 30

* Amendment—Set 1 and Amendment—Set 2 incorporated into RN 1126992.