

CALIFORNIA LEGISLATURE  
2011–12 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Friday, September 9, 2011**  
**SIXTY-FOURTH SESSION DAY**  
**TWO HUNDRED SEVENTY-EIGHTH 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 Minute Clerk: Phone 916-319-2360)

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Friday, September 9, 2011

The Assembly met at 4:23 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—79:

Achadjian	Cook	Hayashi	Nielsen
Alejo	Davis	Hernández	Norby
Allen	Dickinson	Hill	Olsen
Ammiano	Donnelly	Huber	Pan
Atkins	Eng	Hueso	Pera
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 Assistant Speaker pro Tempore Gatto, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

*Lord, Our adversaries always fight hardest when they know that we are close to an achievement. They'd leave us alone if they thought we were going to live in mediocrity. Abraham believed in You, even when his circumstances looked impossible, because he knew that You always reward those who seek You, Lord. Help us stand in faith and keep believing, because when we keep pressing forward, You will take us places that we never imagined we could go.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Gatto, Assembly Member Halderman 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 Allen.

**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.*

**ACTION REVISED ON ASSEMBLY BILL NO. 31**

Assembly Member Charles Calderon was granted unanimous consent to revise the action whereby the Assembly, on September 8, 2011 (Assembly Journal for the First Extraordinary Session, page 319), re-referred Assembly Bill No. 31 to the Committee on Budget pursuant to Assembly Rule 77.2, and that the bill be re-referred to the Committee on Appropriations pursuant to Assembly Rule 77.2.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 8, 2011

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

Senate Bill No. 6

Senate Bill No. 8

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

**RECESS**

By unanimous consent, at 4:24 p.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene Regular Session.

**RECONVENED**

At 8:34 p.m., the Assembly reconvened.

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

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Charles Calderon announced that the Committee on Appropriations would meet at this time in the Tom Bane Rules Committee Room.

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 8:34 p.m., by unanimous consent, the members of the Committee on Appropriations were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue in Floor Session.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 1—Charles Calderon.**  
Relative to final adjournment of the 2011–12 First Extraordinary Session of the Legislature.

**RECESS**

By unanimous consent, at 8:34 p.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene Regular Session.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: September 9, 2011

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 31

With the recommendation: That the Senate amendments be concurred in.

FUENTES, Chair

Above bill ordered to unfinished business file.

Date of Hearing: September 9, 2011

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 43

With the recommendation: Do pass.

FUENTES, Chair

Above bill ordered to second reading.

**RECONVENED**

At 10:32 p.m., the Assembly reconvened.

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

**CONSIDERATION OF ASSEMBLY BILL NO. 31  
BY UNANIMOUS CONSENT—ASSEMBLY RULE 63 SUSPENDED**

Assembly Member Charles Calderon was granted unanimous consent that Assembly Rule 63 be suspended to permit consideration of Senate amendments to Assembly Bill No. 31 without reference to file.

**ASSEMBLY BILL NO. 31 (Charles Calderon)**—An act to add Sections 34164.25 and 34194.75 to the Health and Safety Code, relating to redevelopment, 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.

**Call of the Assembly**

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

Motion carried. Time, 10:46 a.m.

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

**RESOLUTIONS**

The following resolution was offered:

**Resolution to Dispense With Constitutional Provision**

By Assembly Member Solorio.

*Resolved*, That Assembly Bill No. 43 presents a case of urgency, as that term is used in Article IV, Section 8 (b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolution read, and adopted by the following vote:

**AYES—67**

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

**NOES—3**

Gatto	Grove	Halderman
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Article IV, Section 8(b) of the Constitution was declared dispensed with.

**Second Reading of Assembly Bill No. 43**

**ASSEMBLY BILL NO. 43**—An act to amend Section 97.70 of the Revenue and Taxation Code, relating to local government finance.

Bill read second time.

**Further Consideration of Assembly Bill No. 43**

**ASSEMBLY BILL NO. 43 (Solorio)**—An act to amend Section 97.70 of the Revenue and Taxation Code, relating to local government finance.

Bill read third time.

**Motion to Amend**

Assembly Member Jeffries moved the adoption of amendments.

**Motion to Table Jeffries Amendments to  
Assembly Bill No. 43—Set 1**

Assembly Member Charles Calderon moved that the amendments offered by Assembly Member Jeffries to Assembly Bill No. 43—Set 1 be laid upon the table.

Assembly Member Gatto seconded the motion.

Motion carried by the following vote:

**AYES—48**

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

**NOES—26**

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

**CONSIDERATION OF ASSEMBLY BILL NO. 43  
BY UNANIMOUS CONSENT—ASSEMBLY RULE 63 SUSPENDED**

Assembly Member Solorio was granted unanimous consent to suspend Assembly Rule 63 to permit consideration of Assembly Bill No. 43 without reference to file.

**ASSEMBLY BILL NO. 43 (Solorio)**—An act to amend Section 97.70 of the Revenue and Taxation Code, relating to local government finance.

Bill read third time.

**Assembly Rule 112 Suspended**

Assembly Member Silva was granted unanimous consent that Assembly Rule 112 be suspended to permit him to read a paper on the Floor of the Assembly.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—60**

Achadjian	Cook	Hayashi	Nielsen
Allen	Davis	Hill	Norby
Beall	Dickinson	Huffman	Pan
Berryhill	Donnelly	Jeffries	Perea
Block	Eng	Jones	Pérez, V.M.
Bonilla	Fletcher	Knight	Portantino
Bradford	Fong	Lara	Silva
Brownley	Fuentes	Logue	Skinner
Buchanan	Furutani	Lowenthal	Smyth
Butler	Galgiani	Ma	Solorio
Calderon	Garrick	Mansoor	Swanson
Campos	Gatto	Mendoza	Valadao
Carter	Hagman	Miller	Wagner
Cedillo	Hall	Mitchell	Williams
Conway	Harkey	Nestande	Mr. Speaker

**NOES—3**

Blumenfield	Feuer	Huber
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Bill ordered transmitted to the Senate.

**RECESS**

By unanimous consent, at 10:58 p.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene Regular Session.

**RECONVENED**

At 11:08 p.m., the Assembly reconvened.

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

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

**SENATE BILL NO. 4 (Committee on Budget and Fiscal Review)**—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 third time.

**Motion to Amend**

Assembly Member Blumenfield moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted.

**CONSIDERATION OF SENATE BILL NO. 4, AS AMENDED  
BY UNANIMOUS CONSENT—ASSEMBLY RULE 63 SUSPENDED**

Assembly Member Blumenfield was granted unanimous consent to suspend Assembly Rule 63 to permit consideration of Senate Bill No. 4 as amended, without reference to print or file.

**SENATE BILL NO. 4 (Committee on Budget and Fiscal Review)**—An act to amend Section 30061 of the Government Code, relating to local program funding, 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—73**

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

**NOES—None**

Bill ordered transmitted to the Senate.

**RECESS**

By unanimous consent, at 11:12 p.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene Regular Session.



**TWO HUNDRED SEVENTY-NINTH CALENDAR DAY  
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, September 10, 2011

At 12 midnight.

Speaker pro Tempore Ma, presiding.

**MESSAGES FROM THE SENATE**

Senate Chamber, September 9, 2011

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

Senate Bill No. 4

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

**RECONVENED**

At 12:17 a.m., the Assembly reconvened.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 31**

At 12:17 a.m., on motion of Assembly Member Charles Calderon, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 12:18 a.m.

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

**RECESS**

By unanimous consent, at 12:42 a.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene Regular Session.

**RECONVENED**

At 12:45 a.m., the Assembly reconvened.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 31**

At 12:47 a.m., on motion of Assembly Member Charles Calderon, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 12:48 a.m.

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

**RECESS**

By unanimous consent, at 12:48 a.m., Speaker pro Tempore Ma declared the Assembly recessed to reconvene Regular Session.

**RECONVENED**

At 1:09 a.m., the Assembly reconvened.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 31**

At 1:09 a.m., on motion of Assembly Member Charles Calderon, 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 to Assembly Bill No. 31 by the following vote:

**AYES—30**

Achadjian	Fuentes	Knight	Smyth
Calderon	Furutani	Lara	Solorio
Campos	Galgiani	Logue	Valadao
Cedillo	Hagman	Ma	Wagner
Conway	Harkey	Miller	Wieckowski
Davis	Hayashi	Morrell	Mr. Speaker
Donnelly	Jeffries	Nestande	
Fletcher	Jones	Silva	

**NOES—27**

Alejo	Buchanan	Halderman	Olsen
Allen	Chesbro	Hill	Perea
Ammiano	Cook	Huber	Portantino
Atkins	Dickinson	Huffman	Torres
Berryhill	Feuer	Mansoor	Williams
Blumenfield	Gatto	Monning	Yamada
Bonilla	Gordon	Nielsen	

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Charles Calderon was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Assembly Bill No. 28**

September 9, 2011

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

RE: Letter to the Journal—Assembly Bill X1 28  
(Chapter 7, Statutes of 2011)

Dear Mr. Wilson: We respectfully submit this Letter to the Journal to document the legislative intent of my ABX1 28, passed by this body in 2011 and the original bill AB 153 upon which ABX1 28 was based.

As authors of ABX1 28 and AB 153, respectively, we are writing to clarify our intent with regard to Revenue and Taxation Code Section 6203(c)(5)(A)–(C). These provisions were meant to draw a clear line between activities that are “mere advertising” versus more sufficiently meaningful in-state activity that should properly be characterized as “soliciting business” for purposes of meeting the definition of a “retailer engaged in business in this state.” Given the evolving nature of online advertising, and the anonymous manner in which it may be delivered to online customers, it is important to note that, in isolation, online advertising, including those ads tied to Internet search engines, banner ads, click-through ads, Cost Per Action ads, links to retailer websites and similar online advertising services should not be considered a “referral” under subparagraph 5(A), nor “direct or indirect solicitation specifically targeted at potential customers in this state” under subparagraph 5(C). Those types of advertising services are generated as a result of generic algorithmic functions and are anonymous and passive in nature and thus do not rise to the level of referring or soliciting business. Agreements for such advertising services are not covered, unless the person entering the agreement also engages in other activities on behalf of the retailer in this state—such as sending flyers or making phone calls—that are specifically targeted at customers in this state.

Thank you for the opportunity to clarify this matter.

Sincerely,

BOB BLUMENFIELD, Assembly Member  
Fortieth District

NANCY SKINNER, Assembly Member  
Fourteenth District

**MESSAGES FROM THE SENATE**

Senate Chamber, September 10, 2011

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

Senate Concurrent Resolution No. 2

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

**FIRST READING OF SENATE BILLS**

The following resolution was read:

**SENATE CONCURRENT RESOLUTION NO. 2**—Relative to final adjournment of the 2011–12 First Extraordinary Session of the Legislature.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2 BY UNANIMOUS CONSENT—ASSEMBLY RULE 63 SUSPENDED**

Assembly Member Charles Calderon was granted unanimous consent to suspend Assembly Rule 63 to permit consideration of Senate Concurrent Resolution No. 2 without reference to file.

**SENATE CONCURRENT RESOLUTION NO. 2 (Steinberg)**—Relative to final adjournment of the 2011–12 First Extraordinary Session of the Legislature.

Resolution presented by Assembly Member Charles Calderon.

Resolution read, and adopted by the following vote:

**AYES—75**

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

**NOES—None**

Resolution 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):

**Invoke Constitution Relative to Assembly Bill No. 43:** Beall, Cedillo, Fletcher, Nestande, Norby, Olsen, and Swanson—Aye.

**Assembly Bill No. 43, Charles Calderon Motion to Table Jeffries Amendments:** Beall, Cedillo, Davis, and Swanson—Aye.

**Assembly Bill No. 43:** Charles Calderon, Campos, Cedillo, Cook, Fuentes, Garrick, Hall, Hayashi, Lara, Nestande, Smyth, and Valadao—Aye; Feuer—No.

**Senate Bill No. 4:** Charles Calderon, Cook, Davis, Fuentes, Huber, Huffman, Norby, Smyth, and Solorio—Aye.

**Assembly Bill No. 31, Concurrence:** Davis—Aye.

**Senate Concurrent Resolution No. 2:** Miller and Morrell—Aye.

**ADJOURNMENT**

At 1:22 a.m., pursuant to the provisions of Senate Concurrent Resolution No. 2, the 2011–12 First Extraordinary Session of the Legislature adjourned *sine die*.

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON SEPTEMBER 9, 2011**

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

**SB RN**

4 1127245

**Daily Total: 1**

**Cumulative Total: 31**

Amendments were considered by the Assembly, but not adopted, to the following measure:

**AB**

43 (Jeffries amendments—Set 1, RN1126816, laid upon the table)

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