

CALIFORNIA LEGISLATURE
2013–14 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 7, 2013

SECOND SESSION DAY

THIRTY-SIXTH 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. All Senate amendments to Assembly measures considered by the Assembly on this day are on file with the Secretary of the Senate and available on request. A list of all measures amended and on which amendments were offered in the Assembly is shown on the final page of this day's Assembly Journal.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 7, 2013

The Assembly met at 12 noon.
Hon. Nora Campos, 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 Atkins moved a quorum call of the Assembly.
Motion carried. Time, 12 noon.
The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 12:03 p.m., Speaker pro Tempore Campos declared a quorum of
the Assembly present.

The roll call was completed, and the following answered to their
names—78:

Achadjian	Dahle	Hueso	Perea
Alejo	Daly	Jones	Pérez, V. Manuel
Allen	Dickinson	Jones-Sawyer	Quirk
Ammiano	Donnelly	Levine	Quirk-Silva
Atkins	Eggman	Linder	Rendon
Bigelow	Fong	Logue	Salas
Bloom	Fox	Lowenthal	Skinner
Blumenfield	Frazier	Maienschein	Stone
Bocanegra	Gaines	Mansoor	Ting
Bonilla	Garcia	Medina	Torres
Bonta	Gatto	Melendez	Wagner
Bradford	Gomez	Mitchell	Waldron
Brown	Gordon	Morrell	Weber
Buchanan	Gorell	Mullin	Wieckowski
Calderon	Gray	Muratsuchi	Wilk
Campos	Grove	Nazarian	Williams
Chau	Hagman	Nestande	Yamada
Chávez	Hall	Olsen	Mr. Speaker
Conway	Hernández	Pan	
Cooley	Holden	Patterson	

PRAYER

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

Lord, Most of the time, it's not the big events in our life or the big breaks that get us where we need to be, it's the little things—the daily disciplines that move us forward to the good things You have for us. Lord, help us to remember three things we can do every day that can change our life: to expect Your goodness, to recognize Your goodness, and to thank You for Your goodness. Thank You for Your hand of blessing on every area of our life.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Campos, Assembly Member Bradford 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 Atkins, 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 Member Chesbro.

Because of illness: Assembly Member Harkey.

COMMUNICATIONS

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

January 7, 2013

E. Dotson Wilson

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

Dear Dotson: Please be advised that I have appointed Assemblymember Ken Cooley to the official funeral delegation to represent the Assembly at the funeral service for former Assembly Chief Clerk R. Brian Kidney. Services will be held Thursday, January 10, 2013, at Saint Ignatius Loyola Parish in Sacramento.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Health, on Tuesday, January 15, 2013, at 1:30 p.m., in Room 4202;
Health, on Tuesday, January 29, 2013, at 1:30 p.m., in Room 4202.

FIRST READING OF ASSEMBLY BILLS

The following bills were read the first time:

ASSEMBLY BILL NO. 40—Mansoor. An act to amend Sections 11834.02, 11834.09, and 11834.23 of the Health and Safety Code, relating to substance abuse.

ASSEMBLY BILL NO. 41—Buchanan. An act relating to school finance.

ASSEMBLY BILL NO. 42—Perea. An act relating to taxation.

ASSEMBLY BILL NO. 43—Bocanegra. An act to amend Section 23032 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 44—Buchanan. An act to amend Section 4104 of the Public Contract Code, relating to public contracts.

ASSEMBLY BILL NO. 45—Dickinson. An act to amend Sections 81010, 82013, 82015, 82016, 84101, 84211, 84215, 84605, 85201, 89519, 90003, 90005, and 91003 of, and to add Sections 84215.5 and 86119 to, the Government Code, relating to the Political Reform Act of 1974.

ASSEMBLY BILL NO. 46—Pan. An act to amend Section 66602 of the Education Code, relating to public postsecondary education.

ASSEMBLY BILL NO. 47—Gatto. An act to add Section 653.01 to the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 48—Skinner (Coauthor: Ammiano) (Coauthor: Senator De León). An act to amend Sections 16740, 16890, and 32390 of, and to add Sections 16740.5, 30301, and 32311 to, the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 49—Buchanan. An act to add Section 5162 to the Vehicle Code, relating to license plates.

ASSEMBLY BILL NO. 50—Pan. An act to amend and repeal Sections 14016.5 and 14016.6 of, and to add Sections 14011.66, 14016.54, and 15926.6 to, the Welfare and Institutions Code, relating to health care coverage, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 51—Logue. An act to add Chapter 8.5 (commencing with Section 66650) to Part 40 of Division 5 of Title 3 of the Education Code, relating to public postsecondary education.

ASSEMBLY BILL NO. 52—Gatto. An act relating to Native Americans.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 2—Nestande and Olsen. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 8.7 to Article XVI thereof, relating to education finance.

ADJOURN IN MEMORY

Speaker Pérez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Charlotte Bacon, Daniel Barden, Rachel D'Avino, Olivia Engel, Josephine Gay, Ana M. Marquez-Greene, Dylan Hockley, Dawn Hochsprung, Madeleine F. Hsu, Catherine V. Hubbard, Chase Kowalski, Jesse Lewis, James Mattioli, Grace McDonnell, Anne Marie Murphy, Emilie Parker, Jack Pinto, Noah Pozner, Caroline Previdi, Jessica Rekos, Avielle Richman, Lauren Rousseau, Mary Sherlach, Victoria Soto, Benjamin Wheeler, and Allison N. Wyatt, victims of the shooting at Sandy Hook Elementary School in Newtown, Connecticut.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Ammiano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Howard Wallace of San Francisco.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Ammiano and Alejo were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Russell Means of Porcupine, South Dakota.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Atkins was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tyrone Snowden Woods, former United States Navy SEAL, who died in the attack on the United States Consulate in Benghazi, Libya, on September 11, 2012, resident of Imperial Beach.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Atkins was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sean Smith, United States Foreign Service Information Officer, who died in the attack on the United States Consulate in Benghazi, Libya, on September 11, 2012, resident of Falls Church, Virginia.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Cooley and Speaker Pérez were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of R. Brian Kidney, former Chief Clerk of the Assembly, resident of Sacramento.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Chávez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Glen Doherty, former United States Navy SEAL, who died on September 12, 2012 in the attack on the United States Consulate in Benghazi, Libya, resident of Encinitas.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Dahle was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. J. Christopher Stevens, United States Ambassador to Libya, who died in the attack on the United States Consulate in Benghazi, Libya, on September 11, 2012, resident of Grass Valley.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Dickinson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tim Howe of Sacramento.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Dickinson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Morton Lee Friedman of Sacramento.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Gordon was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Gary Fazzino, former Mayor and City Council Member of Palo Alto, resident of Palo Alto.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Levine was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Elissa Diane Giambastiani of San Rafael.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Speaker pro Tempore Campos announced the following session schedule:

Tuesday, January 8, 2013, Check-in Session, 7 a.m.–3 p.m.;

Wednesday, January 9, 2013, Check-in Session, 7 a.m.–3 p.m.;

Thursday, January 10, 2013, Floor Session, 9 a.m.;

Friday, January 11, 2013, No session.

ADJOURN IN MEMORY

Assembly Member Lowenthal was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Chief Petty Officer Terrell Horne III, United States Coast Guard, resident of Redondo Beach.

Assembly Member Atkins was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Laurel Rainwater and David Copley of La Jolla.

Assembly Member Lowenthal was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kevin Robert Schroeder of San Pedro, Mary Beth Soth of Long Beach, and Mary Ellen Kilsby of Long Beach.

Assembly Member Campos was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Frank Lopez, Sr., of San Jose.

MOTION TO ADJOURN

At 12:38 p.m., Assembly Member Atkins moved that the Assembly do now adjourn.

Assembly Member Conway seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:38 p.m., Speaker pro Tempore Campos 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. 53—John A. Pérez. An act to amend Section 12096.3 of, and to add Section 12096.35 to, the Government Code, relating to economic development.

ASSEMBLY BILL NO. 54—Gorell. An act to repeal Section 3 of Chapter 558 of the Statutes of 2011, relating to elections, and calling an election, to take effect immediately.

ASSEMBLY BILL NO. 55—Roger Hernández. An act to amend Sections 7.1, 1689.5, 1689.24, 1695.1, and 1812.303 of the Civil Code, to amend Sections 37220.7, 45203, 79020, and 88203 of the Education Code, and to amend Sections 6700, 6712, 19853, and 19853.1 of the Government Code, relating to holidays.

ASSEMBLY BILL NO. 56—Weber. An act to add Article 7 (commencing with Section 32080) to Chapter 1 of Part 19 of Division 1 of Title 1 of the Education Code, relating to school facilities.

ASSEMBLY BILL NO. 57—Yamada. An act to amend Section 10262 of the Public Resources Code, relating to agricultural conservation easements.

ASSEMBLY BILL NO. 58—Wieckowski. An act to amend Section 24177.5 of the Health and Safety Code, relating to medical experiments.

ASSEMBLY BILL NO. 59—Bonta. An act to amend Section 50079 of the Government Code, relating to taxation.

ASSEMBLY BILL NO. 60—Alejo (Coauthor: Williams). An act to amend Sections 1653.5, 12800, 12801, and 13002 of, and to repeal Sections 12801.5, 12801.6, and 12801.8 of the Vehicle Code, relating to drivers' licenses.

ASSEMBLY BILL NO. 61—Gatto. An act to amend, add, and repeal Section 22508.5 of the Vehicle Code, relating to parking meters.

ASSEMBLY BILL NO. 62—Hueso and V. Manuel Pérez. An act to amend Section 386 of the Streets and Highways Code, relating to highways.

ASSEMBLY BILL NO. 63—Patterson (Coauthors: Bigelow, Conway, Beth Gaines, Harkey, Maienschein, and Melendez). An act to amend Section 3000.08, 3000.09, 3455, and 3458 of, and to add Section 3010.10 to, the Penal Code, relating to electronic monitoring.

ASSEMBLY BILL NO. 64—Donnelly. An act to repeal Chapter 8 (commencing with Section 38600) of Division 16.5 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 65—Achadjian and John A. Pérez (Principal coauthors: Bradford, Lowenthal, and Williams) (Principal coauthor: Senator Hill) (Coauthors: Atkins, Bigelow, Blumenfield, Buchanan, Chávez, Conway, Donnelly, Frazier, Gatto, Gorell, Grove, Hagman, Jones, Levine, Maienschein, Mansoor, Melendez, Morrell, Nazarian, Nestande, Olsen, Patterson, Perea, Skinner, Stone, Ting, Wagner, and Wilk) (Coauthors: Senators Berryhill, Cannella, Emmerson, Fuller, Ted Gaines, Huff, Jackson, Knight, Lieu, Rubio, Walters, and Wyland). An act to amend Section 261 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 66—Muratsuchi. An act relating to economic development.

ASSEMBLY BILL NO. 67—Gorell (Principal coauthor: Conway) (Coauthors: Achadjian, Bigelow, Chávez, Beth Gaines, Grove, Hagman, Harkey, Jones, Linder, Logue, Maienschein, Mansoor, Melendez, Morrell, Olsen, Patterson, Wagner, Waldron, and Wilk). An act to add Chapter 3.7 (commencing with Section 66170) to Part 40 of Division 5 of Title 3 of the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

MESSAGES FROM THE SENATE

Senate Chamber, January 7, 2013

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

Senate Concurrent Resolution No. 5

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. 5—Relative to the adoption of the Joint Rules of the Senate and Assembly for the 2013–14 Regular Session.

INTRODUCTION OF GUESTS

Assembly Member Weber, of the 79th Assembly District, introduced members of the University of San Diego Advocacy class, accompanied by Professor Howard Wayne, Member of the Assembly from 1996–2002.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Atkins, the Assembly adjourned until 7 a.m., Wednesday, January 9, 2013, out of respect to the memory of Charlotte Bacon, Daniel Barden, Rachel D'Avino, Olivia Engel, Josephine Gay, Ana M. Marquez-Greene, Dylan Hockley, Dawn Hochsprung, Madeleine F. Hsu, Catherine V. Hubbard, Chase Kowalski, Jesse Lewis, James Mattioli, Grace McDonnell, Anne Marie Murphy, Emilie Parker, Jack Pinto, Noah Pozner, Caroline Previdi, Jessica Rekos, Avielle Richman, Lauren Rousseau, Mary Sherlach, Victoria Soto, Benjamin Wheeler, and Allison N. Wyatt on motion of Speaker Pérez; out of respect to the memory of Howard Wallace on motion of Assembly Member Ammiano; out of respect to the memory of Russell Means on motion of Assembly Members Ammiano and Alejo; out of respect to the memory of Tyrone Snowden Woods and Sean Smith on motion of Assembly Member Atkins; out of respect to the memory of R. Brian Kidney on motion of Assembly Member Cooley and Speaker Pérez; out of respect to the memory of Glen Doherty on motion of Assembly Member Chávez; out of respect to the memory of Hon. J. Christopher Stevens on motion of Assembly Member Dahle; out of respect to the memory of Tim Howe and Morton Lee Friedman on motion of Assembly Member Dickinson; out of respect to the memory of Hon. Gary Fazzino on motion of Assembly Member Gordon; out of respect to the memory of Elissa Diane Giambastiani on motion of Assembly Member Levine; out of respect to the memory of Chief Petty Officer Terrell Horne III on motion of Assembly Member Lowenthal; out of respect to the memory of Laurel Rainwater and David Copley on motion of Assembly Member Atkins; out of respect to the memory of Kevin Robert Schroeder, Mary Beth Soth, and Mary Ellen Kilsby on motion of Assembly Member Lowenthal; and out of respect to the memory of Frank Lopez, Sr., on motion of Assembly Member Campos.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk