

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 9, 2012

ONE HUNDRED THIRTIETH SESSION DAY

FOUR HUNDREDTH 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
Monday, January 9, 2012

The Assembly met at 12 noon.

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 Allen 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 12:05 p.m., Speaker pro Tempore Ma declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—75:

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

PRAYER

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

Lord, Blessed are You, the God of all generations. Your name has been praised and glorified throughout the ages. Help us, Lord, to discover a new way of looking at life—one that turns away from the drumbeat of self-centeredness, and toward a life filled with service to others, and selfless benevolence. Following Your path through life, Lord, comes with no small amount of effort, but also with Your blessing. Guide us on our every step along the way to You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Roger Hernández.

On personal business, and waiving per diem: Assembly Member Furutani.

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

Because of illness: Assembly Member Hall.

Because of illness in his family: Assembly Member Davis.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

January 6, 2012

*The Honorable John A. Pérez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: The purpose of this letter is to respectfully request permission to be excused from Session for legislative business in my district office on Monday, January 9, 2012. I am thanking you in advance for your consideration of this request. If you have any questions, please do not hesitate to contact my Chief of Staff Pedro Carrillo at (916) 319-2057.

Sincerely,

ROGER HERNÁNDEZ, Assembly Member
Fifty-seventh District

COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 9, 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 Henry Perea to replace Assemblymember Warren Furutani on the Assembly Utilities and Commerce Committee for today's hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

January 9, 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 Bob Wieckowski to replace Assemblymember Roger Hernández on the Assembly Utilities and Commerce Committee for today's hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

January 9, 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 Michael Allen to replace Assemblymember Isadore Hall on the Assembly Elections and Redistricting Committee for today's hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

January 9, 2012

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

Dear Dotson: This is to advise you that I have appointed Assemblymember Toni Atkins to replace Assemblymember Roger Hernández on the Assembly Banking and Finance Committee for today’s hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

January 6, 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 Holly Mitchell to replace Assemblymember Warren Furutani on the Assembly Transportation Committee for the Monday, January 9 hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 9, 2012

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 70 | Assembly Bill No. 738 |
| Assembly Bill No. 236 | Assembly Bill No. 1160 |
| Assembly Bill No. 593 | Assembly Bill No. 1165 |
| Assembly Bill No. 662 | Assembly Bill No. 1335 |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
86 -----	Rls.
87 -----	Rls.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
21 -----	Rls.

BILLS RETURNED TO THIRD READING FILE

In compliance with a motion given on a previous day pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file:

Assembly Bill No. 1276, on request of Assembly Member Feuer.

REQUEST FOR PHOTOGRAPHER

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

ADJOURN IN MEMORY

Assembly Members Block and Atkins were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert Lawrence of San Diego.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Nielsen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Petty Officer First Class Chad R. Regelin, United States Navy, resident of Anderson.

(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 Agnes "Aggie" Robinson of Palo Alto.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Skinner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of retired Berkeley Unified School District Board Member, Terry Doran, resident of Berkeley.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Torres, Hagman, Nielsen, and Cedillo were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of former State Senator, Hon. Ruben S. Ayala, resident of Chino.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Lara was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lydia Arévalo of East Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

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 Larry Allison of Long Beach.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Conway was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Donna Earnest of Elverta, and that the following statement be printed in the Journal.

(Assembly Rule 45.5 suspended.)

*Memorial Statement**Donna Earnest*

I rise today to adjourn in the memory of one of our own: Donna Earnest, the longtime Floor Alert editor and Rules Committee consultant for the Republican Caucus, who for years sat in the back of these chambers for each and every Session, died last night after a long and brave battle with cancer.

Before Donna came to the Assembly in 1998, she was a horse trainer, master dive instructor, and a proud mother and “Coast Guard wife” stationed with her husband Mike across the country and in Puerto Rico. She shared her passion for horses with countless individuals, including more than a few of our staff, interns and Fellows.

Donna was a tireless worker as our Floor Alert editor; no one worked longer hours in this building than Donna Earnest, and no one did so with a more kind, calm and caring disposition. Donna worked closely with and counted her Democrat colleagues on the Floor staff among her many friends, never allowing disagreements to become disagreeable, and together they did and do much to make the Assembly proceedings run as smoothly as possible.

To Donna’s colleagues and friends in the Office of Policy and the Republican Caucus, her death is a profound loss. She was a dear friend, valued colleague and co-worker, and she used the same light but firm whip that tamed and trained horses on our Policy staff to make sure our Floor Alerts always—ALWAYS—showed up on the Floor on time and in the best possible condition.

Donna is survived by her husband Mike and her son Scott.

Today, I ask that the Assembly adjourn in the memory of Donna Earnest, a truly remarkable woman who gave heart and soul to this institution, and dedicated herself to public service and improving the lives of others. We are truly grateful to have known her and for all her tremendous efforts, and she will be greatly missed by us all.

BILLS PLACED ON INACTIVE FILE

The following bills were placed upon the inactive file:

Assembly Bill No. 356, on request of Assembly Member Hill.

Senate Bills Nos. 419 and 885, on request of Assembly Member Allen.

BILLS RETURNED TO UNFINISHED BUSINESS FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file and placed upon the unfinished business file:

Assembly Bill No. 41, on request of Assembly Member Hill.

ANNOUNCEMENTS

Speaker pro Tempore Ma announced the following session schedule:
Tuesday, January 10, 2012, Check-in Session, 7 a.m.–3 p.m.;
Wednesday, January 11, 2012, Check-in Session, 7 a.m.–3 p.m.;
Thursday, January 12, 2012, Check-in Session, 7 a.m.–3 p.m.;
Friday, January 13, 2012, Floor Session, 9 a.m.

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

By unanimous consent, the motion to reconsider the vote on Senate Bill No. 923 was continued until Friday, January 13, 2012.

ADJOURN IN MEMORY

Assembly Member Beall was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Emily Bordallo and Beverley Barnes of San Jose.

Speaker Pérez and Assembly Member Conway were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dolores Marie Glandt of Santa Clara.

Assembly Member Jeffries was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sergeant Noah M. Korte of the 720th Military Police Battalion, United States Army, resident of Lake Elsinore.

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 James H. McJunkin, Henry “Hank” Vance Sparkman, Jerome Henry Manheim, Earl “Spud” Higgins, and Robert William Maney of Long Beach, and Rae Fullen of Bixby Knolls.

Assembly Member Smyth was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pete Pew of Santa Clarita.

MOTION TO ADJOURN

At 12:35 p.m., Assembly Member Allen moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:35 p.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. 1454—Solorio. An act to amend Sections 139.2 and 3209.3 of the Labor Code, relating to workers’ compensation.

ASSEMBLY BILL NO. 1455—Harkey (Principal coauthor: Valadao) (Principal coauthor: Senator La Malfa) (Coauthors: Grove, Hagman, Jones, Nielsen, and Wagner). An act to add Section 2704.30 to the Streets and Highways Code, relating to high-speed rail.

ASSEMBLY BILL NO. 1456—Hill. An act to add Section 960 to the Public Utilities Code, relating to gas corporations.

ASSEMBLY BILL NO. 1457—Huber. An act to amend Sections 25301, 25302, and 25334 of the Public Resources Code, and to amend Sections 372 and 464 of, and to repeal Article 2 (commencing with Section 334) of Chapter 2.3 of Part 1 of Division 1 of, the Public Utilities Code, relating to state government.

ASSEMBLY BILL NO. 1458—Huber. An act to repeal Chapter 5 (commencing with Section 10600) of Part 2 of Division 2 of Title 2 of the Government Code, relating to state government.

ASSEMBLY BILL NO. 1459—Huber. An act to amend Section 39904 of the Health and Safety Code, relating to state government.

ASSEMBLY BILL NO. 1460—Huber. An act to amend Section 13996.55 of, and to repeal Chapter 1.5 (commencing with Section 12095) of Part 2 of Division 3 of Title 2 of, the Government Code, relating to state government.

ASSEMBLY BILL NO. 1461—Monning (Principal coauthor: Senator Ed Hernandez). An act to add Section 10961 to the Insurance Code, relating to health insurance.

AUTHOR'S AMENDMENTS Committee on Agriculture

January 9, 2012

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

Assembly Bill No. 909

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

GALGIANI, Chair

ASSEMBLY BILL NO. 909—An act to add Article 11.6 (commencing with Section 49566) to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupil nutrition.

Bill read second time.

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

Committee on Housing and Community Development

January 9, 2012

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Assembly Bill No. 317

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

TORRES, Chair

ASSEMBLY BILL NO. 317—An act to amend Sections 798.21 and 798.74.5 of the Civil Code, relating to mobilehomes.

Bill read second time.

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

REPORTS OF STANDING COMMITTEES Committee on Rules

Date of Hearing: January 9, 2012

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 87

With amendments with the recommendation: Amend, and be adopted, as amended.

SKINNER, Chair

Above resolution ordered to second reading.

INTRODUCTION OF GUESTS

Assembly Member Atkins, of the 76th Assembly District, introduced students from the University of San Diego, accompanied by Professor Pat Libby, and former Member of the Assembly, Professor Howard Wayne.

Assembly Member Grove, of the 32nd Assembly District, introduced Sean Battle and his wife Shanetra, community activists from “Stop the Violence” in Bakersfield.

Assembly Member Bradford, of the 51st Assembly District, introduced Hon. Jeff Prang, Mayor pro Tempore of West Hollywood.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Allen, the Assembly adjourned until 7 a.m., Wednesday, January 11, 2012, out of respect to the memory of Robert Lawrence on motion of Assembly Members Block and Atkins; out of respect to the memory of Petty Officer First Class Chad R. Regelin, United States Navy, on motion of Assembly Member Nielsen; out of respect to the memory of Agnes “Aggie” Robinson on motion of Assembly Member Gordon; out of respect to the memory of Terry Doran on motion of Assembly Member Skinner; out of respect to the memory of Hon. Ruben S. Ayala on motion of Assembly Members Torres, Hagman, Nielsen, and Cedillo; out of respect to the memory of Lydia Arévalo on motion of Assembly Member Lara; out of respect to the memory of Larry Allison on motion of Assembly Member Bonnie Lowenthal; out of respect to the memory of Donna Earnest on motion of Assembly Member Conway; out of respect to the memory of Emily Bordallo and Beverley Barnes on motion of Assembly Member Beall; out of respect to the memory of Dolores Marie Glandt on motion of Speaker Pérez and Assembly Member Conway; out of respect to the memory of Sergeant Noah M. Korte, 720th Military Police Battalion, United States Army, on motion of Assembly Member Jeffries; out of respect to the memory of James H. McJunkin, Henry “Hank” Vance Sparkman, Jerome Henry Manheim, Earl “Spud” Higgins, Robert William Maney, and Rae Fullen on motion of Assembly Member Bonnie Lowenthal; and out of respect to the memory of Pete Pew on motion of Assembly Member Smyth.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 9, 2012**

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

AB	RN	
317	1200386	
909	1200255	
Daily Total:		2
Cumulative Total:		2414

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