

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 10, 2012

ONE HUNDRED THIRTY-FIRST SESSION DAY

FOUR HUNDRED FIRST 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
Tuesday, January 10, 2012

The Assembly met at 7 a.m.
Hon. William W. Monning, Assembly Member, 27th District,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Reading Clerk Timothy Morland reading.

ROLL CALL

The following were placed upon the morning roll call—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	Fong	Knight	Silva
Block	Fuentes	Lara	Skinner
Blumenfield	Furutani	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	

Quorum present.

At 1:23 p.m., Hon. Fiona Ma, 12th District, presiding

REGULAR BUSINESS DISPENSED WITH

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

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 Fletcher.

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 9, 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 Tuesday, January 10, 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 communication was 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 Sandré Swanson to replace Assemblymember Isadore Hall on the Assembly Human Services Committee for the Tuesday, January 10 hearing only.

Sincerely,

JOHN A. PÉREZ
 Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Joint Sunset Review Committee, on Wednesday, February 15, 2012, at 9 a.m.

Budget Subcommittee No. 6 on Budget Process, Oversight and Program Evaluation, on Tuesday, February 2, 2012, upon adjournment of Floor Session, in Room 437.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 10, 2012

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

Assembly Bill No. 317

Assembly Bill No. 909

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1462—Mendoza. An act to amend Sections 191.5, 193, 667.5, and 1192.7 of the Penal Code, relating to crime.

ASSEMBLY BILL NO. 1463—Blumenfield. An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, to take effect immediately, Budget Bill.

ASSEMBLY BILL NO. 1464—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Bonilla, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2012.

ASSEMBLY BILL NO. 1465—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2012.

ASSEMBLY BILL NO. 1466—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2012.

ASSEMBLY BILL NO. 1467—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2012.

ASSEMBLY BILL NO. 1468—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2012.

ASSEMBLY BILL NO. 1469—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2012.

ASSEMBLY BILL NO. 1470—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2012.

ASSEMBLY BILL NO. 1471—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2012.

ASSEMBLY BILL NO. 1472—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2012.

ASSEMBLY BILL NO. 1473—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2012.

ASSEMBLY BILL NO. 1474—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2012.

ASSEMBLY BILL NO. 1475—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2012.

ASSEMBLY BILL NO. 1504—Morrell. An act to amend Sections 11342.548, 11346, 11346.3, and 11346.36 of, and to add Sections 11346.25 and 11346.37 to, the Government Code, relating to administrative regulations.

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 88—Mendoza. Relative to Cinco de Mayo Week.

AUTHOR’S AMENDMENTS
Committee on Appropriations

January 10, 2012

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 53

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

FUENTES, Chair

ASSEMBLY BILL NO. 53—An act to add Article 10.2 (commencing with Section 927) to Chapter 1 of Part 2 of Division 1 of the Insurance Code, relating to insurers.

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 Elections and Redistricting

Date of Hearing: January 9, 2012

Mr. Speaker: Your Committee on Elections and Redistricting reports:
Assembly Bill No. 1148

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

FONG, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 9, 2012

Mr. Speaker: Your Committee on Elections and Redistricting reports:
Assembly Bill No. 785

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

FONG, Chair

Above bill re-referred to the Committee on Local Government.

Committee on Natural Resources

Date of Hearing: January 9, 2012

Mr. Speaker: Your Committee on Natural Resources reports:
Assembly Bill No. 1005

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

CHESBRO, Chair

Above bill re-referred to the Committee on Water, Parks and Wildlife.

Date of Hearing: January 9, 2012

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 1054

Assembly Bill No. 1359

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

CHESBRO, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Date of Hearing: January 9, 2012

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

Assembly Bill No. 318

Assembly Bill No. 658

Assembly Bill No. 843

With the recommendation: Do pass, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

PEREA, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 9, 2012

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

Assembly Bill No. 1126

With the recommendation: Do pass.

PEREA, Chair

Above bill ordered to second reading.

Date of Hearing: January 9, 2012

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

Assembly Bill No. 248

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

PEREA, Chair

Above bill ordered to second reading.

Committee on Jobs, Economic Development, and the Economy

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Jobs, Economic Development, and the Economy reports:

Assembly Bill No. 232

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

V. MANUEL PÉREZ, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Transportation

Date of Hearing: January 9, 2012

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 523

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

BONNIE LOWENTHAL, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 9, 2012

Mr. Speaker: Your Committee on Transportation reports:
Assembly Bill No. 819
Assembly Bill No. 937

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

BONNIE LOWENTHAL, Chair

Above bills ordered to second reading.

Committee on Judiciary

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Judiciary reports:
Assembly Bill No. 1197

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

FEUER, Chair

Above bill ordered to second reading.

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Judiciary reports:
Assembly Bill No. 1165
Assembly Bill No. 1354

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

FEUER, Chair

Above bills ordered to second reading.

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Judiciary reports:
Assembly Bill No. 1337

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

FEUER, Chair

Above bill ordered to second reading.

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Judiciary reports:
Assembly Bill No. 1157

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

FEUER, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Transportation

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Transportation reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 695

BONNIE LOWENTHAL, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Environmental Safety and Toxic Materials

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:
Assembly Bill No. 640

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

WIECKOWSKI, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Business, Professions and Consumer Protection

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Business, Professions and Consumer Protection reports:

Assembly Bill No. 1225

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

HAYASHI, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Business, Professions and Consumer Protection reports:

Assembly Bill No. 367

Assembly Bill No. 1325

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

HAYASHI, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Business, Professions and Consumer Protection reports:

Assembly Bill No. 761

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

HAYASHI, Chair

Above bill re-referred to the Committee on Health.

Committee on Jobs, Economic Development, and the Economy

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Jobs, Economic Development, and the Economy reports:

Assembly Bill No. 1233

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

V. MANUEL PÉREZ, Chair

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 327

Assembly Bill No. 526

Assembly Bill No. 1270

Assembly Bill No. 1432

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

AMMIANO, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Public Safety reports:
Assembly Bill No. 593

With the recommendation: Do pass.

AMMIANO, Chair

Above bill ordered to second reading.

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Public Safety reports:
Assembly Bill No. 801

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

AMMIANO, Chair

Above bill ordered to second reading.

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Public Safety reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 281
Assembly Bill No. 829

AMMIANO, Chair

Above bills ordered filed with the Chief Clerk.

Committee on Health

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Health reports:
Assembly Bill No. 70
Assembly Bill No. 1278

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

MONNING, Chair

Above bills re-referred to the Committee on Appropriations.

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received and ordered printed in the Journal:

January 5, 2012

To the Senate and the Assembly of the California Legislature:

I hereby submit to you my proposed Budget for 2012–13.

When I came into office, California was facing an immediate \$26.6 billion budget gap and future budget deficits of \$20 billion a year.

In January of 2011, I proposed a budget that combined deep cuts with a temporary extension of some existing taxes. It was a balanced approach that would have finally closed our budget gap. In the end, the taxes were not extended and massive cuts—totalling \$16 billion—were enacted.

The 2011 budget did, however, lay the foundation for fiscal stability. It cut the annual budget shortfall by three-quarters—from \$20 billion to \$5 billion or less. It shrunk state government, reduced our borrowing costs and gave local governments more authority to make decisions.

The budget that I am submitting today keeps the cuts made last year and adds new ones. The stark truth is that without some new taxes, damaging cuts to schools, universities, public safety and our courts will only increase.

That is why I will ask the voters to approve a temporary tax increase on the wealthy, a modest and temporary increase in the sales tax and to guarantee that the new revenues be spent only on education. I am also asking that the voters guarantee ongoing funding for local public safety programs. This ballot measure will not solve all of our fiscal problems, but it will stop further cuts to education and public safety and halt the trend of double-digit tuition increases.

My budget plan also includes important reforms. It improves government efficiency and pays down debt. It reorganizes state government to make it more efficient and saves tax dollars by consolidating or eliminating functions. It restructures social service programs to better support working families. It gives substantially more flexibility and decision-making to local school districts. The plan also calls for bold investments in our future: to assure a reliable water supply, build high speed rail and reduce greenhouse gas emissions.

As California's economy continues to slowly recover—and recover it will—our plan will provide fiscal stability and make California government more transparent and responsive to the people.

I look forward to working with you in the coming year.

Sincerely,

EDMUND G. BROWN JR.

Receipt

I acknowledge receipt this 10th day of January, 2012 at 9:47 a.m., of the budget for the 2012–13 fiscal year, together with an explanatory message, delivered to me personally by Jacque Roberts.

SUE PARKER

Assistant Chief Clerk of the Assembly

Accompanying Governor's Budget and Budget Summary ordered filed with the Secretary of State.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 87—Relative to Martin Luther King, Jr. Day.

Resolution read; amendments proposed by the Committee on Rules read and adopted; resolution ordered reprinted and to be placed upon the third reading file.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, January 10, 2012.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 10, 2012**

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

AB RN

53 1130060

ACR RN

87 1200568

Daily Total: 2

Cumulative Total: 2416

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