

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 12, 2012

ONE HUNDRED THIRTY-THIRD SESSION DAY

FOUR HUNDRED THIRD 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, January 12, 2012

The Assembly met at 7 a.m.
Hon. Wilmer Amina Carter, Assembly Member, 62nd 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—69:

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

Quorum present.

At 12:04 p.m., Hon. Bob Wieckowski, 20th 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 Members Cedillo and Huffman.

On legislative business, and waiving per diem: Assembly Member Jeffries.

On personal business, and waiving per diem: Assembly Members Fletcher, Furutani, Grove, and Valadao.

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

Because of illness: Assembly Members Beall and Hall.

Because of illness in his family: Assembly Member Davis.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 9, 2012

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

Dear Speaker Pérez: I respectfully request permission to be excused from Check-in Session on Thursday, January 12, 2012 due to legislative business in my district.

Sincerely,

GILBERT CEDILLO, Assembly Member
Forty-fifth District

January 5, 2012

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

Dear Mr. Speaker: I respectfully request permission to be excused from Check-in Session on January 12, 2012 due to legislative business in my district. Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

JARED HUFFMAN, Assembly Member
Sixth District

January 4, 2012

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

Dear Speaker Pérez: This letter is to request permission to be excused from Check-in Session on Thursday, January 12, 2012, due to legislative business within my district.

There will be no travel cost to the State and I am “waiving” per diem for the day of Thursday, January 12, 2012. Thank you for your consideration.

Sincerely,

KEVIN D. JEFFRIES, Assembly Member
Sixty-sixth District

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Joint Conference Committee on Assembly Bill No. 340 and Senate Bill No. 827, on Wednesday, January 25, 2012, at 1 p.m., in Room 4202.

MOTION TO PRINT IN JOURNAL WITHOUT OBJECTION

Without objection, pursuant to Assembly Rule 42(c), Assembly Member Blumenfield was granted permission to print a letter in the Journal for the Regular Session and in an Appendix to the Journal for the First Extraordinary Session, relative to Assembly Bill No. 26 in the First Extraordinary Session. (See the Appendix to the Assembly Journal for the First Extraordinary Session for this day, page 345.)

Legislative Intent—Assembly Bill No. 26 in the First Extraordinary Session

January 10, 2012

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

RE: AB 26 X1

Dear Mr. Wilson: AB 26 X1 (Blumenfield) Chapter 5, Statutes of 2011–12 First Extraordinary Session, passed by the Legislature and approved by the Governor as part of the 2011–12 Budget, dissolves redevelopment agencies and directs the resolution of their affairs. As part of the dissolution process, successor agencies (generally the city or county that created a redevelopment agency), would fulfill various obligations of the former redevelopment agencies. By virtue of the State Supreme Court decision in this matter filed December 29, 2011, cities or counties must decide by January 13, 2012, whether they will serve as the successor agency for their respective redevelopment agency.

I am writing regarding the intent of legislative action regarding this bill and specifically to make clear the distinction between liabilities of a former redevelopment agency and of any city or county that acts as a successor agency under the legislation. Nothing in the bill implies that cities or counties are anything but distinct legal entities from successor agencies, and therefore the liabilities of the former redevelopment agencies and the successor agencies do not become the liabilities of the corresponding cities or counties.

Part 1.85 of the legislation addresses “Dissolution of Redevelopment Agencies and Designation of Successor Agencies,” and indicates that obligations of the former redevelopment agency become obligations of the successor agency. Health & Safety Code Section 34173(b), added by AB 26 X1, states in part that “...obligations previously vested with the former redevelopment agencies...are hereby vested with the successor agencies.” Section 34173(e) goes on to indicate that the liability of the successor agency is limited to the extent of the property tax revenues it receives and the value of assets transferred to it as the successor agency.

This Part further defines enforceable obligations payable from property taxes of the former redevelopment agency to include various employee payments. Specifically, Health & Safety Code Section 34171(d)(1)(D) indicates that enforceable obligations that are to be paid from revenues that would have been received by the redevelopment

agency include "...legally enforceable payments required in connection with the agencies' employees, including, but not limited to, pension payments, pension obligation debt service, unemployment payments, or other obligations conferred through a collective bargaining agreement."

As directed in Health & Safety Code Section 34172(d), revenues that would have been received by the redevelopment agency absent its dissolution are to be deposited in the "Redevelopment Property Tax Trust Fund" and used to pay obligations of the former redevelopment agency. Section 34190(e) restates and reemphasizes that a collective bargaining agreement, which would include any negotiated pension agreements, represents an enforceable obligation.

The intent of AB 26 X1 is clear: the assets and liabilities of successor agencies are separate and distinct from those of the cities and counties themselves.

Sincerely,

BOB BLUMENFIELD, Assembly Member
Fortieth District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 12, 2012

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

Assembly Bill No. 801
Assembly Bill No. 1337

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, January 12, 2012

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

Assembly Bill No. 248
Assembly Bill No. 819
Assembly Bill No. 904
Assembly Bill No. 937

Assembly Bill No. 1124
Assembly Bill No. 1197
Assembly Bill No. 1233
Assembly Bill No. 1405

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. 1506—Jeffries and Cook (Principal coauthors: Nielsen and Olsen) (Coauthors: Conway, Donnelly, Beth Gaines, Grove, Harkey, Jones, Knight, Logue, Morrell, Nestande, and Valadao) (Coauthors: Senators Anderson, Tom Berryhill, Cannella, Dutton, Ted Gaines, La Malfa, Strickland, and Wyland). An act to repeal Chapter 1.5 (commencing with Section 4210) of Part 2 of Division 4 of the Public Resources Code, relating to fire prevention.

ASSEMBLY BILL NO. 1507—Mendoza. An act to amend Section 2807 of the Penal Code, relating to public contracts.

ASSEMBLY BILL NO. 1508—Carter. An act to amend Section 2810 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1509—Hayashi. An act to add Section 87505 to the Government Code, relating to the Political Reform Act of 1974.

ASSEMBLY BILL NO. 1510—Garrick. An act to amend Sections 17072 and 19184 of, to amend and repeal Sections 17131.4, 17131.5, 17215.1, and 17215.4 of, and to add Sections 17138.5 and 17216 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1511—Bradford. An act to amend Section 1103.4 of the Civil Code, relating to real property.

ASSEMBLY BILL NO. 1512—Garrick. An act to amend Section 14016.55 of the Welfare and Institutions Code, relating to Medi-Cal.

AUTHOR'S AMENDMENTS
Committee on Appropriations

January 12, 2012

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 909

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

FUENTES, 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.

January 12, 2012

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 1345

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

FUENTES, Chair

ASSEMBLY BILL NO. 1345—An act to amend Section 12410.5 of, and to add Section 12410.6 to, the Government Code, relating to audits.

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.

January 12, 2012

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 671

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

FUENTES, Chair

ASSEMBLY BILL NO. 671—An act to add Section 16501.4 to the Welfare and Institutions Code, relating to child welfare services.

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 Local Government

Date of Hearing: January 11, 2012

Mr. Speaker: Your Committee on Local Government reports:
Assembly Bill No. 662

With the recommendation: Do pass.

SMYTH, Chair

Above bill ordered to second reading.

Committee on Agriculture

Date of Hearing: January 11, 2012

Mr. Speaker: Your Committee on Agriculture reports:

Assembly Bill No. 909

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

GALGIANI, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 11, 2012

Mr. Speaker: Your Committee on Agriculture reports:

Assembly Bill No. 1204

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

GALGIANI, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Local Government

Date of Hearing: January 11, 2012

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 1191

Assembly Bill No. 1345

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

SMYTH, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 11, 2012

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 737

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

SMYTH, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 11, 2012

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 1253

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 bill be placed on the Consent Calendar.

SMYTH, Chair

Above bill ordered to second reading.

Committee on Education

Date of Hearing: January 11, 2012

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 1199

With the recommendation: Do pass.

BROWNLEY, Chair

Above bill ordered to second reading.

Committee on Local Government

Date of Hearing: January 11, 2012

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 482

With amendments with the recommendation: Amend, and do pass, as amended.

SMYTH, Chair

Above bill ordered to second reading.

Committee on Health

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 510

With amendments with the recommendation: Do pass, as amended, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

MONNING, Chair

Above bill ordered to second reading.

Committee on Education

Date of Hearing: January 11, 2012

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 331

Assembly Bill No. 1246

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

BROWNLEY, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Agriculture

Date of Hearing: January 12, 2012

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

Assembly Bill No. 1176

GALGIANI, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Judiciary

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1378

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.

Committee on Natural Resources

Date of Hearing: January 9, 2012

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 890

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

CHESBRO, Chair

Above bill ordered to second reading.

Committee on Water, Parks and Wildlife

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 1005

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

HUFFMAN, Chair

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bills Nos. 1337 and 801, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS**ASSEMBLY BILL NO. 1289**—An act to amend Section 70377 of the Government Code, relating to court facilities.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 1321—An act to amend Section 706.105 of the Code of Civil Procedure, relating to money judgments.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

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, and ordered to third reading.

ASSEMBLY BILL NO. 812—An act to add Sections 16005 and 42704 to the Public Resources Code, relating to solid waste.

Bill read second time; amendments proposed by the Committee on Transportation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 869—An act to amend Sections 1651.5 and 5309 of the Vehicle Code, relating to vehicles.

Bill read second time; amendments proposed by the Committee on Transportation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 1047—An act to add Section 2933.5 to the Vehicle Code, relating to vehicles.

Bill read second time; amendments proposed by the Committee on Transportation read and adopted; bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 578—An act to add Section 960 to the Public Utilities Code, relating to public utilities.

Bill read second time; amendments proposed by the Committee on Utilities and Commerce read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 761—An act to amend Sections 1206.5, 1209, and 3041 of the Business and Professions Code, relating to optometrists.

Bill read second time; amendments proposed by the Committee on Health read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 643—An act to add Sections 17053.9 and 23629 to, and to repeal and amend Sections 17053.80 and 23623 of, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Jobs, Economic Development, and the Economy read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ADJOURNMENT

At 4 p.m., the Assembly adjourned until 9 a.m., Friday, January 13, 2012.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 12, 2012**

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

AB	RN
578	1200744
643	1200653
671	1200898
761	1200897
812	1200436
869	1200442
909	1200709
1047	1200438
1289	1200466
1321	1200582
1345	1200971

Daily Total:	11
Cumulative Total:	2437

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