

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 17, 2012

ONE HUNDRED THIRTY-FIFTH SESSION DAY

FOUR HUNDRED EIGHTH 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 17, 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 Silva moved a quorum call of the Assembly.

Motion carried. Time, 12:01 p.m.

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

Quorum Present

At 12:04 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—69:

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

PRAYER

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

Lord, All people benefit from Your blessings since You “make Your sun rise on the evil and the good.” (Matthew 5:45) All people benefit from Your blessings even though they may not show even an ounce of thanks. But we, Lord, thank You this day for all Your gifts. Because we know that as soon as we do, our faith will become stronger, we will come closer to You, and we will be able to see all the good things You do for us every day, more clearly.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Garrick 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 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 Members Beall, Blumenfeld, Galgiani, Harkey, and V. Manuel Pérez.

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

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

Because of illness in their families: Assembly Members Davis and Smyth.

EXPLANATIONS OF ABSENCE

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

January 10, 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 Session on legislative business on Tuesday, January 17, 2012, due to a health conference scheduled in my district where I may be given the opportunity to speak with President Bill Clinton. Thank you for your consideration of this request. Please contact Angela Rodriguez in my office should any questions arise.

Sincerely,

V. MANUEL PÉREZ, Assembly Member
Eightieth District

January 11, 2012

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Session on Tuesday, January 17, 2012, on legislative business. There will be a barracks dedication and Naval Cross ceremony at Camp Pendleton in honor of Lance Corporal Donald J. Hogan who gave the ultimate sacrifice in Afghanistan. Along with the event being in my district, Lance Corporal Hogan's parents are from San Clemente which is also in my district. There will be over 250 VIP's from Southern California attending, and it would be very disappointing if I were not able to attend to honor such a courageous man. Please feel free to contact my legislative assistant Katie Phillips at 916-319-2073 if you have any questions.

Sincerely,

DIANE L. HARKEY, Assembly Member
Seventy-third District

January 12, 2012

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

Dear Mr. Speaker: I am requesting to be excused from Session on Tuesday, January 17, 2012, due to legislative business in my district. Thank you for your consideration of this request.

Sincerely,

BOB BLUMENFIELD, Assembly Member
Fortieth District

January 10, 2012

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

Dear Speaker Pérez: I respectfully request to be excused from the Assembly Session on Tuesday, January 17, 2012. I will be in my district during this time attending to legislative business. Thank you for your attention to this request.

Sincerely,

JIM BEALL, JR., Assembly Member
Twenty-fourth District

January 17, 2012

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

Dear Speaker Pérez: I would like to request that I be excused from Floor Session on Tuesday, January 17, 2012, for legislative business. If you need further information or have any questions, please contact my Chief of Staff, Victoria Grajek of my staff at (916) 319-2017. Thank you.

Sincerely,

CATHLEEN GALGIANI, Assembly Member
 Seventeenth District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 17, 2012

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

Assembly Bill No. 17

Assembly Bill No. 1124

Assembly Bill No. 510

Assembly Bill No. 1148

Assembly Bill No. 890

Assembly Bill No. 1378

Assembly Bill No. 1005

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 17, 2012

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

Assembly Concurrent Resolution No. 85

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, January 17, 2012

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

Assembly Concurrent Resolution No. 482

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered returned to second reading file.

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. 43, on request of Assembly Member Monning.

REQUEST FOR PHOTOGRAPHER

Assembly Members Cedillo and Hall were granted unanimous consent that photographers be permitted on the Floor of the Assembly.

**REQUEST FOR UNANIMOUS CONSENT TO SUSPEND
ASSEMBLY RULE 56 AND JOINT RULE 62(a)**

Assembly Member Charles Calderon requested unanimous consent that Assembly Rule 56 and Joint Rule 62(a) be suspended to permit the Committee on Appropriations to notice hearing of Assembly Bill No. 236 on Thursday, January 19, 2012, upon adjournment of Floor Session, pending re-referral to the committee.

Assembly Member Hagman withheld unanimous consent.

Motion to Suspend Assembly Rule 56 and Joint Rule 62(a)

Assembly Member Charles Calderon moved that Assembly Rule 56 and Joint Rule 62(a) be suspended to permit the Committee on Appropriations to notice hearing of Assembly Bill No. 236 on Thursday, January 19, 2012, upon adjournment of Floor Session, pending re-referral to the committee.

Assembly Member Allen seconded the motion.

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, 12:08 p.m.

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

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 662, on request of Assembly Member Hueso.

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

ASSEMBLY BILL NO. 1199 (Brownley)—An act to amend Section 15282 of the Education Code, relating to school bonds.

Bill read third time, and passed by the following vote:

AYES—67

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

NOES—None

Bill ordered transmitted to the Senate.

ASSEMBLY BILL NO. 1047 (Jeffries)—An act to amend Section 2814.1 of the Vehicle Code, relating to vehicles.

Bill read third time, and passed by the following vote:

AYES—55

Achadjian	Dickinson	Hayashi	Morrell
Allen	Donnelly	Hill	Nestande
Ammiano	Eng	Huber	Nielsen
Atkins	Feuer	Jeffries	Norby
Berryhill	Fong	Jones	Olsen
Bonilla	Fuentes	Knight	Perea
Brownley	Gaines	Logue	Portantino
Buchanan	Garrick	Lowenthal	Silva
Butler	Gatto	Ma	Solorio
Calderon	Gordon	Mansoor	Valadao
Carter	Grove	Mendoza	Wagner
Chesbro	Hagman	Miller	Wieckowski
Conway	Halderman	Mitchell	Yamada
Cook	Hall	Monning	

NOES—5

Alejo	Pan	Torres
Lara	Swanson	

Vote Changes

By unanimous consent, the following vote change was permitted on Assembly Bill No. 1047: Assembly Member Feuer from “No” to “Aye”.

Bill ordered transmitted to the Senate.

ASSEMBLY BILL NO. 832 (Ammiano)—An act to add Section 995.3 to the Revenue and Taxation Code, relating to taxation.

Bill read third time.

Motion to Amend

Assembly Member Ammiano moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**Re-reference of Bills to Committee
Pursuant to Assembly Rule 77.2**

Pursuant to Assembly Rule 77.2, Speaker pro Tempore Ma re-referred the following bill to committee as noted:

Assembly Bill No. 832, to the Committee on Rules.

**ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 482, ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 236—An act to repeal and amend Sections 17053.80 and 23623 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
CHARLES CALDERON MOTION TO SUSPEND THE RULES
RELATIVE TO ASSEMBLY BILL NO. 236**

At 12:18 p.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 motion to suspend the Rules carried by the following vote:

AYES—44

Alejo	Campos	Hayashi	Pan
Allen	Carter	Hernández	Perea
Ammiano	Chesbro	Hill	Portantino
Atkins	Dickinson	Huber	Skinner
Block	Eng	Hueso	Solorio
Bonilla	Feuer	Lara	Swanson
Bradford	Fong	Lowenthal	Torres
Brownley	Fuentes	Ma	Wieckowski
Buchanan	Gatto	Mendoza	Williams
Butler	Gordon	Mitchell	Yamada
Calderon	Hall	Monning	Mr. Speaker

NOES—24

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

RECESS

By unanimous consent, at 12:20 p.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Cedillo introduced elected officials from the State Legislature of Jalisco, Mexico: Hon. Olga Araceli Gomez Florez, Assembly Member and President of the Metropolitan Affairs Commission; Hon. Ana Bertha Alatore Guzman, Assembly Member and President of the Electoral Affairs Commission; Hon. Javier Gil Olivo, Assembly Member and President of the Education Commission; accompanied by Professor Samuel Schmidt and Guillermo Tovar Partida, Technical Secretary of the Metropolitan Affairs Commission, and staff members Emma Juarez Garcia and Rigoberto Rodriguez.

RECONVENED

At 12:21 p.m., the Assembly reconvened.

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

BILLS RETURNED TO THIRD READING FILE

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

Assembly Concurrent Resolution No. 30, on request of Assembly Member Mendoza.

CONSIDERATION OF CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Assembly Bills

ASSEMBLY BILL NO. 1337 (Alejo)—An act to amend Section 7630 of the Family Code, relating to family law.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day’s Consent Calendar roll call.)

ASSEMBLY BILL NO. 801 (Swanson)—An act to amend Sections 829.5 and 830.7 of the Penal Code, relating to code enforcement officers.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day’s Consent Calendar roll call.)

Consent Calendar Roll Call

The roll was called, and the above bills on the Consent Calendar passed by the following vote:

AYES—67

Achadjjian	Cook	Hill	Norby
Alejo	Dickinson	Huber	Olsen
Allen	Donnelly	Hueso	Pan
Ammiano	Eng	Jeffries	Perea
Atkins	Feuer	Jones	Portantino
Berryhill	Fong	Knight	Silva
Block	Fuentes	Logue	Skinner
Bonilla	Gaines	Lowenthal	Solorio
Bradford	Garrick	Ma	Swanson
Buchanan	Gatto	Mansoor	Torres
Butler	Gordon	Mendoza	Valadao
Calderon	Grove	Miller	Wagner
Campos	Hagman	Mitchell	Wieckowski
Carter	Halderman	Monning	Williams
Cedillo	Hall	Morrell	Yamada
Chesbro	Hayashi	Nestande	Mr. Speaker
Conway	Hernández	Nielsen	

NOES—None

ADJOURN IN MEMORY

Assembly Member Wieckowski was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ricardo Arenas of Fremont.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Bradford was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marilyn K. Thomas of Elk Grove.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Speaker pro Tempore Ma announced the following session schedule:

Wednesday, January 18, 2012, Floor Session, 9:30 a.m., followed by the Governor’s State of the State Address;

Thursday, January 19, 2012, Floor Session, 9 a.m.;

Friday, January 20, 2012, No session.

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

By unanimous consent, the motion to reconsider the vote on Senate Bill No. 923 was continued until January 19, 2012.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Feuer announced that the Committee on Judiciary would meet today, upon adjournment of Floor Session, in the Tom Bane Rules Committee Room.

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 James Burch of Palo Alto.

Assembly Member Portantino was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Irish Jean Douglas of Altadena.

Assembly Members Wagner and Miller were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jessica Joy Rees of Mission Viejo.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Assembly Bill No. 1199: Cook, Feuer, Mendoza, Norby, Solorio, Valadao, and Wagner—Aye.

Assembly Bill No. 1047: Brownley, Hayashi, Mendoza, Norby, Solorio, Wagner, and Yamada—Aye; Swanson—No.

Charles Calderon Motion to Suspend the Rules, Relative to Assembly Bill No. 236: Atkins—Aye.

Consent Calendar: Hayashi and Torres—Aye.

MOTION TO ADJOURN

At 12:26 p.m., Assembly Member Charles Calderon moved that the Assembly do now adjourn.

Assembly Member Conway seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:26 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. 1518—Perea. An act to add Section 12737 to the Business and Professions Code, relating to weighmasters.

ASSEMBLY BILL NO. 1519—Wieckowski. An act to add Section 31522.8 to the Government Code, relating to county employees' retirement.

ASSEMBLY BILL NO. 1520—Mendoza. An act to amend Section 395.5 of the Vehicle Code, relating to vehicles.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

Date of Hearing: January 17, 2012

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1405

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.

FEUER, 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. 1166

Assembly Bill No. 1172

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

BROWNLEY, Chair

Above bills ordered to second reading.

Committee on Judiciary

Date of Hearing: January 17, 2012

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 880

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

FEUER, Chair

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: January 13, 2012

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

Assembly Bill No. 60

AMMIANO, Chair

Above bill ordered filed with the Chief Clerk.

Committee on Revenue and Taxation

Date of Hearing: January 17, 2012

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

Assembly Bill No. 279

PEREA, Chair

Above bill ordered filed with the Chief Clerk.

MESSAGES FROM THE SENATE

Senate Chamber, January 17, 2012

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

Senate Bill No. 616

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

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 616—An act to amend Section 1363.05 of the Civil Code, relating to common interest developments.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Charles Calderon, the Assembly adjourned until 9:30 a.m., Wednesday, January 18, 2012, out of respect to the memory of Ricardo Arenas on motion of Assembly Member Wieckowski; out of respect to the memory of Marilyn K. Thomas on motion of Assembly Member Bradford; out of respect to the memory of James Burch on motion of Assembly Member Gordon; out of respect to the memory of Irish Jean Douglas on motion of Assembly Member Portantino; and out of respect to the memory of Jessica Joy Rees on motion of Assembly Members Wagner and Miller.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 17, 2012**

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

AB	RN
236	1200959
832	1200978

Daily Total:	2
Cumulative Total:	2449

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