

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 19, 2012

ONE HUNDRED THIRTY-SEVENTH SESSION DAY

FOUR HUNDRED TENTH 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 19, 2012

The Assembly met at 9 a.m.

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 Hagman moved a quorum call of the Assembly.
Motion carried. Time, 9 a.m.

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

Quorum Present

At 9:06 a.m., Speaker pro Tempore Ma declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—72:

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

PRAYER

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

Lord, Living in peace and unity doesn't mean we have to agree with everyone around us all the time. It means that we look for common ground. Then, as we live with an attitude of service to others, putting the needs of others first, You will make sure our own needs are abundantly supplied. Open opportunities for us to serve others, Lord, and may Your Divine Power always sustain us.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Mendoza 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 Hagman.

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 Alejo.

On personal business, and waiving per diem: Assembly Members Roger Hernández, Hueso, and Lara.

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

Because of illness: Assembly Member Furutani.

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

EXPLANATIONS OF ABSENCE

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

January 3, 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 Session on January 19, 2012 on legislative business to travel to Culver City to attend a Coastal Conservancy Board meeting of which I am a member. Thank you for your assistance. Please contact Hilda Escobar in my office at (916) 319-2028 should any questions arise.

Sincerely,

LUIS A. ALEJO, Assembly Member
Twenty-eighth District

COMMUNICATIONS

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

January 13, 2012

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

RE: Reappointment of Thomas Rankin to
State Compensation Insurance Fund,
Board of Directors

Dear Mr. Wilson: Please be advised I have reappointed Mr. Thomas Rankin to the State Compensation Insurance Fund, Board of Directors. This is a term appointment starting January 1, 2012 and the expiration date is January 1, 2017.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

January 18, 2012

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

RE: Reappointment of Michael Alexander to
California Arts Council

Dear Mr. Wilson: Please be advised I have reappointed Mr. Michael Alexander to the California Arts Council. This is a term appointment starting January 18, 2012 and the expiration date is January 1, 2016.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

January 12, 2012

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

RE: Reappointment of Diana Perez to
Off-Highway Motor Vehicle Recreation Commission

Dear Mr. Wilson: Please be advised I have reappointed Ms. Diana Perez to the Off-Highway Motor Vehicle Recreation Commission. This is a term appointment starting January 15, 2012 and the expiration date is January 15, 2016.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

January 18, 2012

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

RE: Reappointment of Bruce Saito to Prison Industry Board

Dear Mr. Wilson: Please be advised I have reappointed Mr. Bruce Saito to the Prison Industry Board. This is a term appointment starting January 18, 2012 and the expiration date is January 1, 2016.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Joint Legislative Audit Committee, on Wednesday, March 7, 2012, at 9 a.m., in Room 444;

Budget Subcommittee No. 1 on Health and Human Services, to convene jointly with the Senate Human Services Committee, on Wednesday, February 1, 2012, at 1:30 p.m., in Room 4202;

Health Committee, to convene jointly with the Senate Health Committee, the Assembly Budget Subcommittee No. 1 on Health and Human Services, and the Senate Budget Subcommittee No. 3 on Health and Human Services, on Tuesday, February 21, 2012, in Room 4202.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 19, 2012

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

Assembly Bill No. 1166

Assembly Bill No. 1172

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, January 19, 2012

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

Assembly Bill No. 1148

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly

<i>Bill No.</i>	<i>Committee</i>
1434 -----	Pub. S.
1435 -----	Pub. S.
1436 -----	E. & R.
1438 -----	Pub. S.
1440 -----	Hum. S.
1441 -----	Rev. & Tax.
1443 -----	B.,P. & C.P.
1445 -----	Pub. S.
1448 -----	Ed.
1449 -----	Ed.
1451 -----	Ed.
1452 -----	Trans.
1453 -----	Health
1454 -----	Ins.
1455 -----	Trans.
1456 -----	U. & C.
1461 -----	Health
1462 -----	Pub. S.
1504 -----	B.,P. & C.P.
1505 -----	V.A. and Jud.
1506 -----	Nat. Res.
1507 -----	J., E.D. & E. and Pub. S.
1508 -----	Pub. S.
1509 -----	E. & R.
1510 -----	Rev. & Tax.

Assembly Concurrent

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

REQUEST FOR PHOTOGRAPHER

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

**RE-REFERENCE OF BILLS
PURSUANT TO ASSEMBLY RULE 96(a)**

Assembly Member Charles Calderon was granted unanimous consent that the following bill be re-referred as noted pursuant to Assembly Rule 96(a):

Senate Bill No. 659 from the Committee on Local Government to the Committee on Rules.

**NOTICE OF INTENTION TO REMOVE BILLS
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Charles Calderon announced his intention to request that Assembly Bill No. 970 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Charles Calderon announced his intention to request that Assembly Constitutional Amendment No. 12 be removed from the inactive file.

RECESS

By unanimous consent, at 9:09 a.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Hall introduced Los Angeles County Reserve Deputy Shervin Lalezary whereupon he presented him with a Members' Resolution.

* * *

Speaker John A. Pérez introduced the Honorable Priya Guha, Consul General for the United Kingdom in the San Francisco consulate office.

* * *

Assembly Member V. Manuel Pérez introduced Mercedes Flores, commending her on forty years of service to the State of California upon her retirement. Ms. Flores was most recently a consultant for the Assembly Committee on Jobs, Economic Development and the Economy.

RECONVENED

At 9:26 a.m., the Assembly reconvened.
Hon. Fiona Ma, Speaker pro Tempore of the Assembly, presiding.

**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. 1166 and 1172, ordered to third reading.

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

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

Senate Bill No. 880, ordered to third reading.

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. 1253 (Davis)—An act to amend Section 29064 of the Government Code, relating to counties.

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—69

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

NOES—None**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 Michael P. Kelley of the Vietnam Veterans of America, resident of Sacramento.

(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 Bob Caldton of Long Beach.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Pan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tim Barraud, student at California State University, Sacramento, resident of Leeds, England.

(Assembly Rule 45.5 suspended.)

SPECIAL RECOGNITION

The Members of the Assembly joined Speaker pro Tempore Ma in extending best wishes to Assembly Member Olsen on the occasion of her birthday.

ANNOUNCEMENTS

Speaker pro Tempore Ma announced the following session schedule:
 Friday, January 20, 2012, No session;
 Monday, January 23, 2012, Floor Session, 12 noon;
 Tuesday, January 24, 2012, Check-in Session, 7 a.m.–3 p.m. and Floor Session, upon call of the Speaker;
 Wednesday, January 25, 2012, Check-in Session, 7 a.m.–3 p.m. and Floor Session, upon call of the Speaker;
 Thursday, January 26, 2012, Floor Session, 9 a.m.;
 Friday, January 27, 2012, Floor Session, upon call of the Speaker.

PARLIAMENTARY INQUIRY

Assembly Member Mendoza arose to the following parliamentary inquiry: Assembly Concurrent Resolution No. 85 is in the Rules Committee. When will it be heard on the Floor?

Reply by Speaker pro Tempore Ma

The Speaker pro Tempore replied that Assembly Member Mendoza should speak to Assembly Member Skinner, Chair of the Committee on Rules.

**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 the next legislative day.

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 Marion Softky of Portola Valley.

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 Tyler Mark Noesen of San Pedro.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following item:

Consent Calendar: Blumenfield, Bonilla, Fletcher, Miller, Mitchell, and Olsen—Aye.

MOTION TO ADJOURN

At 9:38 a.m., Assembly Member Charles Calderon moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:38 a.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. 1524—Allen (Coauthor: Yamada) (Coauthors: Senators Evans and Wolk). An act to amend Section 5513 of, and to amend and repeal Sections 5500 and 5501 of, the Public Utilities Code, relating to commercial air carriers.

ASSEMBLY BILL NO. 1525—Allen and Alejo (Principal coauthor: Senator Pavley). An act to amend Section 15630.1 of the Welfare and Institutions Code, relating to elder or dependent adult financial abuse.

ASSEMBLY BILL NO. 1526—Monning. An act to amend Sections 12711, 12718, 12725, and 12737 of the Insurance Code, relating to health care coverage, and making an appropriation therefor.

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 92—Donnelly. Relative to human trafficking.

AUTHOR'S AMENDMENTS
Committee on Budget

January 19, 2012

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

Senate Bill No. 81

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

BLUMENFIELD, Chair

SENATE BILL NO. 81—An act to repeal and add Section 41204.2 of the Education Code, to amend Sections 8879.52, 8879.61, 8879.65, 14556.7, and 16965 of the Government Code, to amend Sections 99312, 99315, and 185024 of, and to add Sections 99312.1 and 99312.2 to, the Public Utilities Code, to repeal Section 7102.1 of, and to repeal and add Sections 6051.8, 6201.8, 6357.3, 6357.7, 6480.1, 7360, 7361.1, 7653.1, and 60050 of, the Revenue and Taxation Code, to amend Sections 167, 183.1, and 2103 of, and to add Section 183.2 to, the Streets and Highways Code, and to amend Sections 1661, 4601, 5902.5, 9552, and 12811 of, and to add Section 9400.4 to, the Vehicle Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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 19, 2012

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 89

With the recommendation: Be adopted.

SKINNER, Chair

Above resolution ordered to third reading.

Committee on Appropriations

Date of Hearing: January 19, 2012

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 17

Assembly Bill No. 838

Assembly Bill No. 53

Assembly Bill No. 890

Assembly Bill No. 327

Assembly Bill No. 904

Assembly Bill No. 369

Assembly Bill No. 1054

Assembly Bill No. 526

Assembly Bill No. 1124

Assembly Bill No. 578

Assembly Bill No. 1145

Assembly Bill No. 640

Assembly Bill No. 1148

Assembly Bill No. 812

Assembly Bill No. 1270

Assembly Bill No. 819

With the recommendation: Do pass.

FUENTES, Chair

Above bills ordered to second reading.

Date of Hearing: January 19, 2012

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1278

Assembly Bill No. 1345

Assembly Bill No. 1432

With the recommendation: Do pass.

FUENTES, Chair

Above bills ordered to second reading.

Date of Hearing: January 19, 2012

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 232
Assembly Bill No. 318
Assembly Bill No. 367
Assembly Bill No. 495
Assembly Bill No. 510
Assembly Bill No. 658
Assembly Bill No. 737

Assembly Bill No. 843
Assembly Bill No. 1157
Assembly Bill No. 1224
Assembly Bill No. 1289
Assembly Bill No. 1325
Assembly Bill No. 1359

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.

FUENTES, Chair

Above bills ordered to second reading.

Date of Hearing: January 19, 2012

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 154

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

FUENTES, Chair

Above bill ordered to second reading.

Date of Hearing: January 19, 2012

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 70
Assembly Bill No. 137
Assembly Bill No. 171
Assembly Bill No. 441
Assembly Bill No. 467
Assembly Bill No. 744

Assembly Bill No. 761
Assembly Bill No. 969
Assembly Bill No. 1000
Assembly Bill No. 1191
Assembly Bill No. 1246

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

FUENTES, Chair

Above bills ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, January 19, 2012

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

Assembly Bill No. 1413

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

Senate Chamber, January 19, 2012

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

Senate Bill No. 12
Senate Bill No. 149
Senate Bill No. 172
Senate Bill No. 630

Senate Bill No. 804
Senate Bill No. 825
Senate Bill No. 875

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

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 12—An act to amend Sections 22901, 22903, 22903.2, 22905, 22906, 22924, 24044.5, and 24045.5 of the Business and Professions Code, to amend Section 485.010 of the Code of Civil Procedure, to amend Section 2403 of, and to repeal Division 6 (commencing with Section 6101) of, the Commercial Code, and to amend Section 2953.1 of the Revenue and Taxation Code, relating to bulk sales.

SENATE BILL NO. 149—An act to amend Section 18506 of the Health and Safety Code, relating to mobilehomes.

SENATE BILL NO. 172—An act to amend Sections 48352 and 48354 of the Education Code, relating to school districts.

SENATE BILL NO. 630—An act to add Section 1317.10 to the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 804—An act to amend Section 32121 of the Health and Safety Code, relating to health care districts.

SENATE BILL NO. 825—An act to amend Section 512 of the Public Resources Code, relating to state parks and recreation.

SENATE BILL NO. 875—An act to amend Section 10100 of, and to repeal Section 10154 of, the Business and Professions Code, relating to real estate.

INTRODUCTION OF GUESTS

Assembly Member Carter, of the 62nd Assembly District, introduced members of the California Black Media.

Assembly Member Hagman, of the 60th Assembly District, introduced Mayor pro Tempore Brett Murdock, of the City of Brea, and Mayor Jeremy Yamaguchi, of the City of Placentia.

Assembly Member Valadao, of the 30th Assembly District, introduced Mayor Sue Sorensen, Vice Mayor Joleen Jameson, and City Manager Hilary Straus, of the City of Hanford.

Assembly Member Bradford, of the 51st Assembly District, introduced Councilmembers Nilo Michelin and Olivia Valentine of the City of Hawthorne.

Assembly Member Hall, of the 52nd Assembly District, introduced Jacob Lusk of Compton. Mr. Lusk was a top five finalist on *American Idol*.

Assembly Member Bonilla, of the 11th Assembly District, introduced Mayor pro Tempore Wade Harper of the City of Antioch.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Charles Calderon, the Assembly adjourned until 12 noon, Monday, January 23, 2012, out of respect to the memory of Michael P. Kelley on motion of Assembly Member Dickinson; out of respect to the memory of Bob Caldon on motion of Assembly Member Bonnie Lowenthal; out of respect to the memory of Tim Barraud on motion of Assembly Member Pan; out of respect to the memory of Marian Softky on motion of Assembly Member Gordon; and out of respect to the memory of Tyler Mark Noesen on motion of Assembly Member Bonnie Lowenthal.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 19, 2012**

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

SB RN

81 1200864

Daily Total: 2

Cumulative Total: 2454

O