

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, February 6, 2012

ONE HUNDRED FORTY-SIXTH SESSION DAY

FOUR HUNDRED TWENTY-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
Monday, February 6, 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 Bill Berryhill 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 12:04 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—72:

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

PRAYER

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

Lord, Yesterday we witnessed a Superbowl victory. Yet, everyday can be a victory for us as individuals and families when we grow closer to one another in faith and in love. So many people today are searching for something real, because the vanity and emptiness of worldly secularism has left them spiritually bankrupt. Protect us Lord, from those influences that seek to draw us away from You. Help us to achieve victory as the people of God You have called us to be.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Conway 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 Members Charles Calderon, Hall, and Skinner.

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

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

Because of illness: Assembly Member Bonnie Lowenthal.

Because of illness in their families: Assembly Members Bonilla and Portantino.

EXPLANATIONS OF ABSENCE

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

February 6, 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 Session on Monday, February 6, 2012 due to legislative business. Thank you for your consideration of this request.

Sincerely,

CHARLES M. CALDERON, Assembly Member
Fifty-eighth District

February 6, 2012

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

Dear Speaker Pérez: I am writing to respectfully request to be excused from Session Monday, February 6, 2012 to attend to legislative business. Thank you for your prompt attention to this matter.

Sincerely,

ISADORE HALL, III, Assembly Member
 Fifty-second District

February 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 Floor Session on Monday, February 6, 2012 and Check-in Session on Tuesday, February 7, 2012 for the purpose of conducting legislative business, and waiving per diem, as an executive committee member for the Action Alliance for Suicide Prevention meeting in Washington, DC. Thank you for your assistance in this matter. If you have questions or need more information, please do not hesitate to contact me or to have your designated staff person contact Sandy King at (916) 319-2018.

Sincerely,

MARY HAYASHI, Assembly Member
 Eighteenth District

December 22, 2011

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 Floor Session on Monday, February 6, 2012, while I tend to legislative business in my District. Thank you for your consideration of my request. If you have any questions regarding this request, please contact Josh Kurpies in my office at (916) 319-2014.

Sincerely,

NANCY SKINNER, Assembly Member
 Fourteenth District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 6, 2012

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

Assembly Concurrent Resolution No. 92

Assembly Concurrent Resolution No. 93

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered returned to third reading file.

REFERENCE OF BILLS TO COMMITTEE

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

<i>Senate</i>	<i>Committee</i>
<i>Bill No.</i>	<i>Appr.</i>
730 -----	Appr.

REQUEST FOR PHOTOGRAPHER

Assembly Members Bradford, Jones, and Mitchell, were granted unanimous consent that photographers be permitted on the Floor of the Assembly.

RECESS

By unanimous consent, at 12:08 p.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Bradford of the California Legislative Black Caucus introduced twenty-seven time Grammy Award winner, Quincy Delight Jones, Jr.

Assembly Member Bradford, in observation of Black History Month, was joined by the Members of the California Legislative Black Caucus, Assembly Members Carter, Davis, Mitchell, and Swanson, and Senator Wright, in presenting a Members' Resolution recognizing the many accomplishments of Quincy Delight Jones, Jr., whereupon Mr. Jones addressed the assemblage.

Without objection, Quincy Delight Jones, Jr. was escorted to the front of the Assembly Chamber by Speaker Pérez and the California Legislative Black Caucus and was joined by the Members of the Assembly for a photograph.

RECONVENED

At 12:17 p.m., the Assembly reconvened.

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

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

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

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 92**

Assembly Member Donnelly was granted unanimous consent to suspend the Rules to permit Members to be listed as additional coauthors of Assembly Concurrent Resolution No. 92.

Additional Coauthors

The following Assembly Members requested to be listed as additional coauthors:

Achadjian, Allen, Atkins, Beall, Bill Berryhill, Block, Blumenfield, Buchanan, Carter, Chesbro, Conway, Cook, Davis, Dickinson, Eng, Feuer, Fong, Beth Gaines, Galgiani, Garrick, Gatto, Grove, Hagman, Halderman, Harkey, Hill, Huffman, Jeffries, Jones, Ma, Mansoor, Miller, Morrell, Nestande, Nielsen, Olsen, Pan, Perea, John A. Pérez, Silva, Smyth, Solorio, Swanson, Valadao, and Wagner.

Request for Unanimous Consent

Assembly Member Donnelly was granted unanimous consent to take up Assembly Concurrent Resolution No. 92, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 92, as Amended

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

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION NO. 93 (Garrick)—Relative to Ronald Reagan Day.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 93**

Assembly Member Garrick was granted unanimous consent to suspend the Rules to permit Members to be listed as additional coauthors of Assembly Concurrent Resolution No. 93.

Additional Coauthors

The following Assembly Members requested to be listed as additional coauthors:

Achadjian, Allen, Atkins, Beall, Bill Berryhill, Block, Blumenfield, Bradford, Brownley, Buchanan, Butler, Campos, Carter, Chesbro, Conway, Cook, Dickinson, Donnelly, Eng, Feuer, Fletcher, Fong, Beth Gaines, Gatto, Gordon, Grove, Hagman, Halderman, Harkey, Hill, Huber, Jeffries, Jones, Knight, Lara, Logue, Ma, Mansoor, Miller, Mitchell, Morrell, Nestande, Olsen, Pan, Perea, John A. Pérez, V. Manuel Pérez, Silva, Smyth, Solorio, Swanson, Torres, Valadao, Wagner, Williams, and Yamada.

Request for Unanimous Consent

Assembly Member Garrick was granted unanimous consent to take up Assembly Concurrent Resolution No. 93, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 93, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 93—Relative to Ronald Reagan Day.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

MOMENT OF SILENCE OBSERVED

Assembly Member Garrick announced that today marks the 101st anniversary of the birth of the Honorable Ronald Wilson Reagan, 40th President of the United States and 33rd Governor of the State of California. Assembly Member Garrick was joined by the Members of the Assembly in observing a moment of silence in honor of President Ronald Wilson Reagan.

ADJOURN IN MEMORY

Assembly Member Furutani was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Frank Herrera of Wilmington.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Speaker Pérez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jerry McFetridge of Clarksburg.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Cedillo was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Theodore Charles III of Los Angeles.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Speaker pro Tempore Ma announced the following session schedule:

Tuesday, February 7, 2012, Check-in Session, 7 a.m.–3 p.m.;

Wednesday, February 8, 2012, Check-in Session, 7 a.m.–3 p.m.;

Thursday, February 9, 2012, Floor Session, 9 a.m.;

Friday, February 10, 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 Thursday, February 9, 2012.

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 Earl D. Wong of Sacramento.

MOTION TO ADJOURN

At 12:43 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 12:43 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. 1586—Garrick. An act to amend Section 1389.1 of the Health and Safety Code, relating to health care coverage.

ASSEMBLY BILL NO. 1587—Galgiani. An act to add Section 103628.8 to the Health and Safety Code, and to add Section 18968.7 to the Welfare and Institutions Code, relating to vital records.

ASSEMBLY BILL NO. 1588—Atkins (Principal coauthors: Cook and Nielsen) (Coauthors: Block, Beth Gaines, Pan, V. Manuel Pérez, Williams, and Yamada). An act to add Section 114.3 to the Business and Professions Code, relating to professions and vocations.

ASSEMBLY BILL NO. 1589—Huffman, Chesbro, and Dickinson (Coauthors: Blumenfield, Gordon, Hill, and Monning). An act to amend Sections 5007 and 5080.42 of, and to add Article 1.8 (commencing with Section 5019.90) to Chapter 1 of Division 5 of, the Public Resources Code, to add Section 17137 to, and to add Article 13.7 (commencing with Section 18845) to Chapter 3 of Part 10.2 of, the Revenue and Taxation Code, and to amend Section 5155 of, and to add Section 5161 to, the Vehicle Code, relating to state parks, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1590—Campos. An act to amend Section 54952 of the Government Code, relating to local government.

ASSEMBLY BILL NO. 1591—Silva. An act to amend Section 19596 of the Business and Professions Code, relating to horse racing.

ASSEMBLY BILL NO. 1592—Olsen (Coauthor: Cook). An act to add Section 932 to the Military and Veterans Code, relating to veterans.

ASSEMBLY BILL NO. 1593—Ma. An act to amend Section 11161.2 of the Penal Code, relating to domestic violence.

ASSEMBLY BILL NO. 1594—Eng (Principal coauthor: Alejo). An act to add Section 47610.1 to the Education Code, relating to charter schools.

ASSEMBLY BILL NO. 1595—Cook. An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1596—Cook. 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.

ASSEMBLY BILL NO. 1597—Cook. An act to add Section 17054.6 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1598—Buchanan. An act to amend Section 1720 of the Labor Code, relating to public contracts.

ASSEMBLY BILL NO. 1599—Feuer and Fong (Principal coauthor: Eng) (Coauthors: Cedillo and Dickinson). An act to add Section 2923.3 to the Civil Code, relating to mortgages.

ASSEMBLY BILL NO. 1600—Torres (Coauthors: Senators Ed Hernandez and Huff). An act to amend Sections 132400, 132410, and 132450 of the Public Utilities Code, relating to the Metro Gold Line Foothill Extension Construction Authority.

ASSEMBLY BILL NO. 1601—Huffman. An act to amend Section 8670.41 of the Government Code, relating to oil spill prevention.

ASSEMBLY BILL NO. 1602—Eng and Feuer (Coauthors: Dickinson, Galgiani, and Skinner). An act to add Section 2923.7 to the Civil Code, relating to mortgages.

ASSEMBLY BILL NO. 1603—Feuer and Eng (Coauthors: Dickinson and Skinner). An act to add Article 1.7 (commencing with Section 2946) to Chapter 2 of Title 14 of Part 4 of Division 3 of the Civil Code, relating to mortgages.

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 99—Fuentes. Relative to National Coupon Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 100—Bonnie Lowenthal and Jeffries (Coauthors: Blumenfield, Bonilla, Buchanan, Eng, Furutani, Galgiani, Miller, and Solorio). Relative to the Mark Bixby Memorial Bicycle Pedestrian Path.

ASSEMBLY CONCURRENT RESOLUTION NO. 101—Lara and Ma (Coauthors: Alejo, Block, Bonilla, Butler, Campos, Fletcher, Gordon, Hall, Huffman, Mitchell, Monning, Swanson, Torres, Wieckowski, and Williams). Relative to Teen Dating Violence Awareness and Prevention Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 102—Campos. Relative to Lupus Awareness Month.

AUTHOR'S AMENDMENTS

Committee on Environmental Safety and Toxic Materials

February 6, 2012

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 1442

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

WIECKOWSKI, Chair

ASSEMBLY BILL NO. 1442—An act to amend Sections 117935, 117945, 117960, 118000, and 118165 of, and to add Sections 117637, 117748, and 118032 to, the Health and Safety Code, relating to pharmaceutical waste.

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 Higher Education

February 6, 2012

Mr. Speaker: The Chair of your Committee on Higher Education reports:

Assembly Concurrent Resolution No. 73

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

BLOCK, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 73—Relative to the University of California.

Resolution read.

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

INTRODUCTION OF GUESTS

Assembly Member Jones, of the 77th Assembly District, introduced members of the Lakeside Chamber of Commerce: Frank Hilliker, Bobbi Buettgenbach, Neil Rodvold, Kathy Kassel, Don Parent, Milt Cyphert, and Patt Bixby.

ADJOURNMENT

At 4 p.m., pursuant to the motion by Assembly Member Allen, the Assembly adjourned until 7 a.m., Tuesday, February 7, 2012, out of respect to the memory of Frank Herrera on motion of Assembly Member Furutani; out of respect to the memory of Jerry McFetridge on motion of Speaker Pérez; out of respect to the memory of Theodore Charles III on motion of Assembly Member Cedillo; and out of respect to the memory of Earl D. Wong on motion of Assembly Member Dickinson.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 6, 2012**

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

AB	RN	
1442	1203396	
ACR	RN	
73	1204401	
Daily Total:		2
Cumulative Total:		2486

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