

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 9, 2012**

**ONE HUNDRED FORTY-NINTH SESSION DAY  
FOUR HUNDRED THIRTY-FIRST CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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, February 9, 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 Silva 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 9:04 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—71:

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

**PRAYER**

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

*Lord, Our words have the power to lift people up or push people down. We can say something to make others feel better about themselves or make them feel worse. That is a type of power You have given to every one of us. Our words can be like seeds, planting life and blessings to those around us with the things we say. Since there are enough things in this world that can push people down, help us, Lord, to use our words to bless others and glorify You. Show us ways to sow seeds of life.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Ma, Assembly Member Swanson 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 Cedillo.*

*On personal business, and waiving per diem: Assembly Members Davis and Fletcher.*

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

*Because of illness: Assembly Members Bill Berryhill and Logue.*

*Because of illness, and waiving per diem: Assembly Member Halderman.*

*Because of illness in his family: Assembly Member Portantino.*

*Because of a death in her family: Assembly Member Bonilla.*

**EXPLANATIONS OF ABSENCE**

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

February 8, 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 Thursday, February 9, 2012, to attend a legislative meeting concerning important legislation for the 2012 Session.

Sincerely,

GILBERT CEDILLO, Assembly Member  
Forty-fifth District

**SPECIAL COMMITTEE MEETINGS**

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

Joint Sunset Review Committee, to convene jointly with the California Recreational Trails Committee and the New Motor Vehicle Board, on Tuesday, March 6, 2012.

**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>
<b>1464</b> -----	Budget
<b>1465</b> -----	Budget
<b>1466</b> -----	Budget
<b>1467</b> -----	Budget
<b>1468</b> -----	Budget
<b>1469</b> -----	Budget
<b>1470</b> -----	Budget
<b>1471</b> -----	Budget
<b>1472</b> -----	Budget
<b>1473</b> -----	Budget
<b>1474</b> -----	Budget
<b>1475</b> -----	Budget
<b>1476</b> -----	Budget
<b>1477</b> -----	Budget
<b>1478</b> -----	Budget
<b>1479</b> -----	Budget
<b>1480</b> -----	Budget
<b>1481</b> -----	Budget
<b>1482</b> -----	Budget
<b>1483</b> -----	Budget
<b>1484</b> -----	Budget
<b>1485</b> -----	Budget
<b>1486</b> -----	Budget
<b>1487</b> -----	Budget
<b>1488</b> -----	Budget
<b>1489</b> -----	Budget
<b>1490</b> -----	Budget
<b>1491</b> -----	Budget
<b>1492</b> -----	Budget
<b>1493</b> -----	Budget
<b>1494</b> -----	Budget
<b>1495</b> -----	Budget
<b>1496</b> -----	Budget
<b>1497</b> -----	Budget
<b>1498</b> -----	Budget
<b>1499</b> -----	Budget
<b>1500</b> -----	Budget
<b>1501</b> -----	Budget
<b>1502</b> -----	Budget
<b>1503</b> -----	Budget
<b>1514</b> -----	U. & C.
<b>1529</b> -----	Jud. and Pub. S.

1533	-----	B.,P. & C.P. and Higher Ed.
1534	-----	Jud.
1543	-----	B.,P. & C.P. and L. Gov.
1544	-----	L. & E.
1546	-----	L. & E. and Jud.
1547	-----	B. & F. and Jud.
1548	-----	B.,P. & C.P.
1551	-----	Ins.
1555	-----	H. & C.D. and L. Gov.
1557	-----	B. & F.
1559	-----	Pub. S.
1560	-----	Hum. S.
1561	-----	Higher Ed.
1562	-----	Pub. S.
1563	-----	Ed.
1564	-----	Pub. S. and Rev. & Tax.
1565	-----	B.,P. & C.P. and Ed.
1566	-----	E.S. & T.M.
1567	-----	Trans.
1568	-----	Ed.
1569	-----	Health
1570	-----	Nat. Res.
1571	-----	Pub. S.
1573	-----	Ed.
1574	-----	Trans.
1575	-----	Ed.
1585	-----	H. & C.D. and L. Gov.

*Assembly Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
94 -----	Jud.
101 -----	Rls.
104 -----	Rls.

**REQUEST FOR PHOTOGRAPHER**

Assembly Member Pan 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):

Assembly Concurrent Resolution No. 73 from the Committee on Higher Education to the Committee on Rules.

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

**ASSEMBLY CONCURRENT RESOLUTION NO. 30 (Mendoza)**—Relative to Read Across America Day.

Resolution read.

**Motion to Amend**

Assembly Member Mendoza moved the adoption of amendments.

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

**RECESS**

By unanimous consent, at 9:08 a.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Pan introduced Jack Chiang, Director of the Taipei Economic and Cultural Office, and Chef Hou Chun-Sheng, the 2011 International Taipei Noodle Champion whereupon he presented a Members' Resolution.

**RECONVENED**

At 9:10 a.m., the Assembly reconvened.

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

**ADJOURN IN MEMORY**

Assembly Member Nielsen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Nadine Elaine Stuhlmuller Salonites of Woodland.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

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 Dr. Richard D. McCullough of Mission Viejo.

(Assembly Rule 45.5 suspended.)

**ANNOUNCEMENTS**

Speaker pro Tempore Ma announced the following session schedule:

Monday, February 13, 2012, Floor Session, 12 noon;

Tuesday, February 14, 2012, Check-in Session, 7 a.m.–3 p.m.;

Wednesday, February 15, 2012, Check-in Session, 7 a.m.–3 p.m.;

Thursday, February 16, 2012, Check-in Session, 7 a.m.–3 p.m.;

Friday, February 17, 2012, Floor Session, 9 a.m.

**COMMITTEE MEETING ANNOUNCEMENTS**

Speaker pro Tempore Ma announced that the Committee on Appropriations would meet today, upon adjournment of Floor Session, in the Tom Bane Rules Committee Room.

**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 Buchanan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bill Clemente of Walnut Creek.

Assembly Member Skinner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ira Michael Heyman, Chancellor of the University of California, Berkeley, from 1980–1990, resident of Berkeley.

Speaker Pérez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jacinto Valencia of Los Angeles.

Assembly Member Blumenfield was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rozalia Zolotaryova of Los Angeles.

Assembly Member Skinner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Elizabeth “Betty” Jane Feliz of Sacramento.

#### **MOTION TO ADJOURN**

At 9:14 a.m., Assembly Member Allen moved that the Assembly do now adjourn.

Assembly Member Conway seconded the motion.

Motion carried.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 9:14 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. 1624—Gatto.** An act to amend Sections 5301, 5303, and 5401 of the Probate Code, relating to multiple-party accounts.

**ASSEMBLY BILL NO. 1625—Allen (Principal coauthor: Ma).** An act to add Chapter 10.1 (commencing with Section 46100) to Division 17 of the Food and Agricultural Code, relating to organic foods.

**ASSEMBLY BILL NO. 1626—Yamada.** An act to amend Sections 9380 and 9509 of the Elections Code, relating to elections.

**ASSEMBLY BILL NO. 1627—Dickinson.** An act to amend Sections 25402 and 25402.1 of the Public Resources Code, relating to energy.

**ASSEMBLY BILL NO. 1628—Beall.** An act to amend Section 11166 of the Penal Code, relating to child abuse reporting.

**ASSEMBLY BILL NO. 1629—Halderman.** An act to amend Section 14043.1 of the Welfare and Institutions Code, relating to Medi-Cal.

**ASSEMBLY BILL NO. 1630—Olsen.** An act to repeal Section 70047.1 of the Government Code, relating to courts.

**ASSEMBLY BILL NO. 1631—Monning.** An act to amend and repeal Section 1282.4 of the Code of Civil Procedure, relating to arbitration.

**ASSEMBLY BILL NO. 1632—Gordon.** An act to amend Section 47000 of the Food and Agricultural Code, relating to agricultural products.

**ASSEMBLY BILL NO. 1633—Wagner.** An act to add Section 7514.7 to the Government Code, relating to public employees’ retirement.

**ASSEMBLY BILL NO. 1634—Bonnie Lowenthal.** An act to amend Section 1582 of the Code of Civil Procedure, relating to unclaimed property.

**ASSEMBLY BILL NO. 1635—Logue.** An act to amend Section 4581 of the Public Resources Code, relating to forest resources.

**ASSEMBLY BILL NO. 1636—Monning.** An act to add Section 1348.10 to the Health and Safety Code, relating to health.

**ASSEMBLY BILL NO. 1637—Wieckowski.** An act to amend Section 69432.7 of the Education Code, relating to student financial aid.

**ASSEMBLY BILL NO. 1638—Brownley.** An act to amend Section 41500 of the Education Code, relating to education finance.

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 105—Hayashi.** Relative to Children’s Dental Health Month.

**ASSEMBLY CONCURRENT RESOLUTION NO. 106—Smyth and Huffman.** Relative to “Parks Make Life Better!®” Month.

**HOUSE RESOLUTION NO. 22—Mitchell, Bradford, Carter, Davis, Hall, and Swanson.** Relative to Black History Month.

### **AUTHOR’S AMENDMENTS**

#### **Committee on Budget**

February 9, 2012

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

Assembly Bill No. 1500

Assembly Bill No. 1501

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

BLUMENFIELD, Chair

**ASSEMBLY BILL NO. 1500**—An act relating to the Budget Act of 2012.

Bill read second time.

**ASSEMBLY BILL NO. 1501**—An act relating to the Budget Act of 2012.

Bill read second time.

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

#### **Committee on Transportation**

February 9, 2012

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

Assembly Concurrent Resolution No. 50

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

BONNIE LOWENTHAL, Chair

**ASSEMBLY CONCURRENT RESOLUTION NO. 50**—Relative to the Ronald Reagan Coronado Bridge.

Resolution read.

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

#### **Committee on Revenue and Taxation**

February 9, 2012

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Senate Bill No. 314

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

PEREA, Chair

**SENATE BILL NO. 314**—An act to amend Section 107.4 of the Revenue and Taxation Code, relating to taxation.

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 Transportation**

February 9, 2012

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

Assembly Bill No. 1455

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

BONNIE LOWENTHAL, Chair

**ASSEMBLY BILL NO. 1455**—An act to add Section 2704.30 to the Streets and Highways Code, relating to high-speed rail.

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.

**MESSAGES FROM THE SENATE**

Senate Chamber, February 9, 2012

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

Senate Concurrent Resolution No. 61

Senate Concurrent Resolution No. 62

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

**FIRST READING OF SENATE BILLS**

The following resolutions were read:

**SENATE CONCURRENT RESOLUTION NO. 61**—Relative to Cervical Cancer Awareness Month.

**SENATE CONCURRENT RESOLUTION NO. 62**—Relative to Spay/Neuter Awareness Month.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing: February 9, 2012

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 730

With the recommendation: Do pass.

FUENTES, Chair

Above bill ordered to second reading.

**Committee on Rules**

Date of Hearing: February 9, 2012

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 101

With the recommendation: Be adopted.

SKINNER, Chair

Above resolution ordered to third reading.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Allen, the Assembly adjourned until 12 noon, Monday, February 13, 2012, out of respect to the memory of Nadine Elaine Stuhlmuller Salonites on motion of Assembly Member Nielsen; out of respect to the memory of Dr. Richard D. McCullough on motion of Assembly Members Wagner and Miller; out of respect to the memory of Bill Clemente on motion of Assembly Member Buchanan; out of respect to the memory of Ira Michael Heyman on motion of Assembly Member Skinner; out of respect to the memory of Jacinto Valencia on motion of Speaker Pérez; out of respect to the memory of Rozalia Zolotaryova on motion of Assembly Member Blumenfield; and out of respect to the memory of Elizabeth “Betty” Jane Feliz on motion of Assembly Member Skinner.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 9, 2012**

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

**AB RN**

1455 1204312

1500 1206421

1501 1206364

**ACR RN**

30 1206316

50 1206150

**SB RN**

314 1206222

**Daily Total: 6****Cumulative Total: 2493**

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