

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, February 13, 2012**

**ONE HUNDRED FIFTIETH SESSION DAY**

**FOUR HUNDRED THIRTY-FIFTH 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  
Monday, February 13, 2012

The Assembly met at 1 p.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 Achadjian moved a quorum call of the Assembly.  
Motion carried. Time, 1 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 1:02 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—71:

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

**PRAYER**

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

*Lord, The biggest problem in the world today is not the economic crisis. It is not Greece defaulting on its debt. It's not the 2012 election. The biggest problem today is a spiritual one. Too many people are happy to turn away from You and Your goodness, to pursue selfish interests—often times to the detriment of others. Help us Lord, to see things through Your eyes. Help us to live a life that pursues the truth—a life oriented toward serving You and those around us.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Ma, Assembly Member Hagman 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 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 Members Mitchell and Morrell.*

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

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

*Because of illness: Assembly Members Garrick and Hall.*

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

**EXPLANATIONS OF ABSENCE**

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

January 26, 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 13, 2012 due to legislative business in my district. Please contact Tiffani Alvidrez, my Chief of Staff at 916-319-2047 if there are any questions or concerns. Thank you for your consideration.

Respectfully,

HOLLY J. MITCHELL, Assembly Member  
Forty-seventh District

February 9, 2012

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

Dear Mr. Speaker: This letter is to be respectfully excused from Floor and Check-in Session for Monday, February 13, 2012 through Thursday, February 16, 2012. I will be conducting legislative business. Thank you for your attention in this matter.

Sincerely,

MIKE MORRELL, Assembly Member  
 Sixty-third District

### **SPECIAL COMMITTEE MEETINGS**

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

Accountability and Administrative Review, on Wednesday, March 7, 2012, at 9 a.m., in Room 437.

Higher Education, to convene jointly with the Committee on Veterans Affairs, on Tuesday, February 28, 2012, at 1:30 p.m., in Room 437.

Budget Subcommittee No. 1 on Health and Human Services to convene jointly with Budget Subcommittee No. 2 on Education Finance, on Wednesday, March 14, 2012, at 1:30 p.m., in Room 444.

Budget Subcommittee No. 4 on State Administration, on Tuesday, February 28, 2012, at 10 a.m., in Room 444.

### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 13, 2012

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

Assembly Concurrent Resolution No. 30

Assembly Concurrent Resolution No. 101

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered returned to third reading file.

Assembly Chamber, February 13, 2012

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

Assembly Bill No. 1455

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, February 13, 2012

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

Assembly Bill No. 1500

Assembly Bill No. 1501

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, February 13, 2012

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

Assembly Concurrent Resolution No. 50

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

#### **REQUEST FOR PHOTOGRAPHER**

Assembly Members Beth Gaines, Roger Hernández, and Olsen were granted unanimous consent that photographers be permitted on the Floor of the Assembly.

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

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

Assembly Concurrent Resolution No. 50 from the Committee on Transportation to the Committee on Rules.

#### **ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR**

Assembly Member Huber was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting guests to sit at her desk in the Assembly Chamber, whereupon she introduced her sons Riley and Colin.

#### **RECESS**

By unanimous consent, at 1:07 p.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Olsen introduced Open World delegates from the Ukraine participating in the United Nations Open World Program.

#### **RECONVENED**

At 1:09 p.m., the Assembly reconvened.

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

#### **CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 730**—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

#### **ADJOURN IN MEMORY**

Assembly Member Roger Hernández was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of former Congressman and former West Covina City Councilmember, Hon. James “Jim” Lloyd, resident of Cameron Park.

(Assembly Rule 45.5 suspended.)

#### **ADJOURN IN MEMORY**

Assembly Member Hueso was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tomas Vallejo of San Diego.

(Assembly Rule 45.5 suspended.)

**ANNOUNCEMENTS**

Speaker pro Tempore Ma announced the following session schedule:  
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.;  
Monday, February 20, 2012, Holiday in observance of Presidents' Day.

**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 Friday, February 17, 2012.

**MOTION TO ADJOURN**

At 1:15 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 1:15 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. 1639—Hill.** An act to add Section 7503.5 to the Government Code, relating to retirement.

**ASSEMBLY BILL NO. 1640—Mitchell.** An act to amend Section 11450 of, and to add Section 18927 to, the Welfare and Institutions Code, relating to public social services.

**ASSEMBLY BILL NO. 1641—Bonnie Lowenthal.** An act to add Section 1367.27 to the Health and Safety Code, and to add Section 10123.24 to the Insurance Code, relating to health care coverage.

**ASSEMBLY BILL NO. 1642—Gordon.** An act to amend Section 27201 of the Government Code, relating to the county recorder.

**ASSEMBLY BILL NO. 1643—Dickinson.** An act to amend Section 831.4 of the Penal Code, relating to public officers.

**ASSEMBLY BILL NO. 1644—Carter.** An act relating to redevelopment.

**ASSEMBLY BILL NO. 1645—Norby.** An act to amend Section 101 of the Streets and Highways Code, relating to highways.

**ASSEMBLY BILL NO. 1646—Campos.** An act to add and repeal Article 6 (commencing with Section 12099) to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code, relating to state government.

**ASSEMBLY BILL NO. 1647—Gordon.** An act to amend Section 42845 of the Public Resources Code, relating to solid waste.

**ASSEMBLY BILL NO. 1648—Brownley (Principal coauthors: Fong and Gatto) (Coauthors: Alejo, Ammiano, Beall, Blumenfield, Bonilla, Dickinson, Fletcher, Galgiani, Gordon, Hayashi, Hill, Huber, Huffman, Bonnie Lowenthal, V. Manuel Pérez, and Wieckowski) (Coauthor: Senator Hancock).** An act to amend Sections 84305.5, 84504, and 84505 of, to add Sections 84506.1, 84506.2, and 84506.3 to, to repeal Sections 84502, 84503, and 84506.5 of, and to repeal and add Sections 84501, 84506, 84507, and 84508 of, the Government Code, relating to the Political Reform Act of 1974.

**ASSEMBLY BILL NO. 1649—Smyth.** An act to amend Section 20350 of the Government Code, relating to public employees' retirement.

**ASSEMBLY BILL NO. 1650—Portantino.** An act to add Section 769 to the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 1651—Buchanan.** An act relating to public utility service.

**ASSEMBLY BILL NO. 1652—Olsen and Valadao.** An act to add Section 14631 to the Government Code, relating to the State Capitol, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 1653—Cook.** An act to add Section 1244 to the Government Code, relating to public employees.

**ASSEMBLY BILL NO. 1654—Cook.** An act to add Section 1021.5 to the Government Code, relating to public employment.

**ASSEMBLY BILL NO. 1655—Dickinson.** An act to amend Section 19635 of, and to add Chapter 10.4 (commencing with Section 3524.1) to Division 4 of Title 1 of, the Government Code, relating to public employees.

**ASSEMBLY BILL NO. 1656—Fong.** An act to amend Sections 66703, 66704.5, and 66706 of the Government Code, relating to San Francisco Bay.

**ASSEMBLY BILL NO. 1657—Wieckowski.** An act to add Section 1463.29 to the Penal Code, relating to traffic offenses.

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 107—Eng and Cook (Principal coauthor: Senator Correa) (Coauthor: Pan) (Coauthor: Senator Cannella).** Relative to PTSD Awareness Day.

**ASSEMBLY CONCURRENT RESOLUTION NO. 108—Wieckowski (Principal coauthor: Senator Wolk) (Coauthors: Atkins, Bonilla, Buchanan, Campos, Carter, Halderman, Bonnie Lowenthal, and Mitchell) (Coauthors: Senators Alquist, Evans, Fuller, Kehoe, Liu, Negrete McLeod, Pavley, and Runner).** Relative to Girl Scouts.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

Date of Hearing: February 9, 2012

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 104

With amendments with the recommendation: Amend, and be adopted as amended.

SKINNER, Chair

Above resolution ordered to second reading.

**INTRODUCTION OF GUESTS**

Assembly Member Roger Hernández, of the 57th Assembly District, introduced John Ochoa, representing the family of Hon. James Lloyd.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Allen, the Assembly adjourned until 7 a.m., Tuesday, February 14, 2012, out of respect to the memory of Hon. James “Jim” Lloyd on motion of Assembly Member Roger Hernández; and out of respect to the memory of Tomas Vallejo on motion of Assembly Member Hueso.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

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