

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 14, 2012

ONE HUNDRED FIFTY-FIRST SESSION DAY

FOUR HUNDRED THIRTY-SIXTH 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, February 14, 2012

The Assembly met at 7 a.m.
Hon. William W. Monning, Assembly Member, 27th District,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Reading Clerk Timothy Morland reading.

ROLL CALL

The following were placed upon the morning roll call—68:

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

Quorum present.

At 2:35 p.m., Hon. Mike Davis, 48th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

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 Conway, Hall, Morrell, Norby, Olsen, and Valadao.

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

On legislative business, per diem waived for the 2011–12 Session (Assembly Journal, page 63): Assembly Member Pan.

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

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

Because of illness: Assembly Member Garrick.

EXPLANATIONS OF ABSENCE

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

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 respectfully request an excuse from Check-in on Tuesday, February 14 and Wednesday, February 15 for legislative purposes. If you have any questions, please call Diana Knoles at 319-2034.

Sincerely,

CONNIE CONWAY, Assembly Member
Thirty-fourth District

February 14, 2012

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

Dear Mr. Speaker: This letter is to respectfully request a Check-in Session excuse for Tuesday, February 14, 2012 and Wednesday, February 15, 2012 on legislative business. I would also like to waive per diem for both days. If you have any questions, please call Lindsey Dietz at 319-2032.

Sincerely,

SHANNON L. GROVE, Assembly Member
Thirty-second District

February 9, 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 Check-in Session on Tuesday, February 14, 2012 to attend to legislative business in my district. Thank you for your prompt attention to this matter.

Sincerely,

ISADORE HALL, III, Assembly Member
Fifty-second District

February 6, 2012

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

Mr. Speaker: I write to you today to respectfully request permission to be excused from Check-in Session on Tuesday February 14, due to legislative business in my district. I will be back for Wednesday's Check-in Session. If you have any questions, please contact Danny Martinez at (916) 319-2072. Thank you.

Sincerely,

CHRIS NORBY, Assembly Member
Seventy-second District

February 13, 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 Check-in Session for legislative business on Tuesday, February 14. I have legislative meetings scheduled in my district office. Thank you for your consideration. Please contact Angela Almanza in my office for any additional information.

Sincerely,

KRISTIN OLSEN, Assembly Member
Twenty-fifth District

February 14, 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 Check-in Session on Tuesday, February 14, due to legislative business. I appreciate your consideration of this request.

Sincerely,

RICHARD PAN, Assembly Member
Fifth District

February 9, 2012

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

Dear Mr. Speaker: The purpose of this letter is to respectfully request to be excused from Check-in Session on Tuesday, February 14, Wednesday, February 15, and Thursday, February 16 for legislative business. I will be attending the World Ag Expo in Tulare. Several constituents and local agri-business leaders from my District will be in attendance. Thank you for your consideration. Please contact Christina Chiappe at (916) 319-2030 with any questions.

Sincerely,

DAVID G. VALADAO, Assembly Member
Thirtieth District

(NOTE: For letter explaining the absence of Assembly Member Morrell on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Journal for February 13, 2012.)

COMMUNICATIONS

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

February 13, 2012

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

RE: Reappointment of John Froines to
Scientific Review Panel on Toxic Air Contaminants

Dear Mr. Wilson: Please be advised I have reappointed Dr. John Froines to the Scientific Review Panel on Toxic Air Contaminants. This is a term appointment starting February 13, 2012 and the expiration date is January 1, 2015.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

February 13, 2012

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

RE: Appointment of Morris Goldman to
California Film Commission

Dear Mr. Wilson: Please be advised I have appointed Mr. Morris Goldman to the California Film Commission. This is a term appointment starting February 13, 2012 and the expiration date is February 13, 2014. Mr. Goldman will be replacing Tommy Ross.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Budget Subcommittee No. 4 on State Administration, to convene jointly with Budget Subcommittee No. 5 on Public Safety, on Wednesday, March 14, 2012, at 1:30 p.m., in Room 437.

REPORTS

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2011-503.5
February 2, 2012

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: This letter report presents the results of a review conducted by the California State Auditor's Office concerning the Department of Community Services and Development's (Community Services) progress in spending funds provided by the American Recovery and Reinvestment Act of 2009 (Recovery Act) for the Weatherization Assistance for Low Income Persons (Weatherization) program before the Recovery Act grant expires. On February 17, 2009, the federal government enacted the Recovery Act, in part, to promote economic recovery and stabilize state and local government budgets. The U.S. Department of Energy (Energy) awarded \$185.8 million of Recovery Act funds to Community Services for its Weatherization program. In our July 2011 report, we concluded that Community Services faced challenges in its efforts to determine how to allocate the remaining Recovery Act funds to maximize production and weatherize enough homes to ensure that the grant funds are spent so that they do not revert by the March 31, 2012 deadline, while also ensuring that it meets its production goals under the annual weatherization grants that expire June 30, 2012.

This letter report concludes that if Energy approves a proposed nine-month extension of the March 31, 2012 deadline, Community Services should have ample time to spend the remaining Recovery Act funds. However, because the average cost for weatherizing a home has fallen significantly short of its estimates, as of December 31, 2011 Community Services must ensure that its service providers weatherize about 15,000 more homes to spend the remaining funds. Additionally, some service providers continue to struggle with meeting their weatherization goals and some service providers are not always following the Energy-approved protocols that ensure not only that the measures installed in homes are cost effective, but that they also maximize opportunities for saving energy.

We conducted this review under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code. We limited our review to those areas specified in the letter report.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Above report referred to the Committee on Budget.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1658—Gatto. An act to add Section 5004.3 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1659—Butler. An act to amend Section 3509 of the Government Code, relating to public employment.

ASSEMBLY BILL NO. 1660—Campos. An act to add Chapter 5 (commencing with Section 1706) to Part 6 of Division 2 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 1661—Norby. An act to amend Section 19576 of the Business and Professions Code, relating to horse racing.

ASSEMBLY BILL NO. 1662—Fong. An act to amend Section 1006 of the Education Code, relating to county educational agencies.

ASSEMBLY BILL NO. 1663—Dickinson. An act to amend Section 8669 of the Education Code, relating to pupil instruction.

ASSEMBLY BILL NO. 1664—Buchanan. An act to amend Section 23152 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1665—Galgiani. An act to amend Section 21080.13 of the Public Resources Code, relating to environmental quality.

ASSEMBLY BILL NO. 1666—Olsen. An act to amend Section 1797.196 of the Health and Safety Code, relating to automated external defibrillators.

ASSEMBLY BILL NO. 1667—Garrick. An act to amend Section 19610 of the Business and Professions Code, relating to horse racing.

ASSEMBLY BILL NO. 1668—Carter. An act to add Section 47612.2 to the Education Code, relating to charter schools.

ASSEMBLY BILL NO. 1669—Perea. An act to amend Section 83002 of the Water Code, relating to water, and making an appropriation therefor.

ASSEMBLY BILL NO. 1670—Lara. An act to amend Section 8465 of the Probate Code, relating to estates.

ASSEMBLY BILL NO. 1671—Huffman. An act to amend Section 7202 of the Public Contract Code, relating to public contracts.

ASSEMBLY BILL NO. 1672—Torres. An act to amend Sections 50700, 50701, 50702, 50703, and 50704 of the Health and Safety Code, relating to housing.

ASSEMBLY BILL NO. 1673—Mitchell. An act to amend Sections 8231, 8235, 8237, 8239, 8263, and 66060 of the Education Code, relating to child care.

ASSEMBLY BILL NO. 1674—Ma. An act relating to visitation centers.

ASSEMBLY BILL NO. 1675—Bonilla. An act to amend Section 1683 of the Labor Code, relating to farm labor contractors.

ASSEMBLY BILL NO. 1676—Alejo (Coauthor: Senator Cannella). An act to add Section 96.24 to the Revenue and Taxation Code, relating to local government finance.

ASSEMBLY BILL NO. 1677—Nestande. An act to amend Section 23772 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 1678—Monning. An act to add Section 114294.1 to the Health and Safety Code, relating to food.

ASSEMBLY BILL NO. 1679—Bonilla. An act to amend Section 1950.5 of the Civil Code, relating to landlord-tenant relations.

ASSEMBLY BILL NO. 1680—Wieckowski. An act to amend Sections 1300 and 1301 of the Corporations Code, relating to dissenting shareholders' rights.

ASSEMBLY BILL NO. 1681—Smyth. An act to amend Section 35700 of the Education Code, relating to school districts.

ASSEMBLY BILL NO. 1682—Portantino. An act to amend Section 801.1 of, and to add Section 801.3 to, the Penal Code, relating to rape.

ASSEMBLY BILL NO. 1683—Hagman. An act to amend Sections 15401 and 15410 of the Probate Code, relating to trusts.

ASSEMBLY BILL NO. 1684—Eng (Principal coauthor: Senator Yee). An act to add Section 70903 to the Education Code, relating to the California Community Colleges.

ASSEMBLY BILL NO. 1685—Nestande. An act relating to gaming.

ASSEMBLY BILL NO. 1686—Jeffries (Coauthors: Miller and Nestande) (Coauthor: Senator Emmerson). An act to add Section 64.6 to the Harbors and Navigation Code, relating to waterways.

ASSEMBLY BILL NO. 1687—Fong. An act to amend Section 4610 of the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 1688—Carter. An act to amend Section 51212 of the Education Code, relating to pupil instruction.

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 109—Pan (Coauthors: Ammiano, Atkins, Eng, Garrick, Gordon, Hayashi, Roger Hernández, Logue, Bonnie Lowenthal, Mitchell, V. Manuel Pérez, Silva, Smyth, and Williams). Relative to Rare Disease Day.

ASSEMBLY CONCURRENT RESOLUTION NO. 110—Fletcher (Coauthors: Achadjian, Block, Ma, and Wieckowski) (Coauthors: Senators Correa, Evans, Fuller, and Steinberg). Relative to California Mental Health No Stigma Week.

ASSEMBLY JOINT RESOLUTION NO. 27—Bonilla. Relative to women in sports.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 104—Relative to a Day of Remembrance.

Resolution read; amendments proposed by the Committee on Rules read and adopted; resolution ordered reprinted and to be placed upon the third reading file.

ADJOURNMENT

At 3:30 p.m., the Assembly adjourned until 7 a.m., Wednesday, February 15, 2012.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 14, 2012**

The following measure was amended in the Assembly on this day:

ACR RN

104 1206349

Daily Total: 1

Cumulative Total: 2494

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