

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, February 17, 2012

**ONE HUNDRED FIFTY-FOURTH SESSION DAY
FOUR HUNDRED THIRTY-NINTH 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
Friday, February 17, 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 Campos 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 9:05 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—64:

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

PRAYER

Upon invitation of Speaker pro Tempore Ma, the following prayer was offered by Assembly Member Steven Bradford, of the 51st Assembly District:

Father, The light of Your presence leads all human kind to truth, justice, liberty, and freedom. Grant us a share in the light of Your countenance, by guiding these elected representatives gathered here, in legislating fair and wise laws for the greater good of the people of the great State of California. In Your name we pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Yamada 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 Members Block, Cedillo, Chesbro, Garrick, Hill, Lara, Mendoza, Morrell, Olsen, and Smyth.

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

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

Because of illness: Assembly Members Hueso and Swanson.

Because of illness in his family: Assembly Member Roger Hernández.

EXPLANATIONS OF ABSENCE

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

January 19, 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 Friday, February 17, 2012, on legislative business, so that I may attend the San Diego Regional Chamber of Commerce 141st Annual Dinner on Thursday, February 16, 2012. Please contact my scheduler, Monica Hatley, at (916) 319-2078 if you have any questions. Thank you for your assistance.

Sincerely,

MARTY BLOCK, Assembly Member
Seventy-eighth District

February 2, 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 February 17, 2012, so that I may continue a legislative meeting in my district.

Sincerely,

GILBERT CEDILLO, Assembly Member
Forty-fifth 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 to be excused from Session on Friday, February 17, as I will be in Ukiah for my new office Open House with constituents Thursday, February 16; and in meetings with school superintendents and other legislative business on Friday, February 17. Thank you in advance for your time and consideration of this matter.

Sincerely,

WESLEY CHESBRO, Assembly Member
First District

January 12, 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, Friday, February 17, 2012, on legislative business, to attend a major Chamber event in my district. If there are questions regarding this request please contact Emily Towner of my office at (916) 319-2074. Thank you for your prompt attention to this request.

Sincerely,

MARTIN GARRICK, Assembly Member
Seventy-fourth District

February 8, 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 Friday, February 17, 2012. I have legislative meetings in my district office. Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

JERRY HILL, Assembly Member
Nineteenth District

February 15, 2012

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

Dear Speaker Pérez: I am requesting to be excused from Floor Session on Friday, February 17, 2012, on legislative business. I have been invited to speak at the Peace Over Violence 4th Annual Violence Free Teens Conference in regards to my ACR 101. Thank you in advance for your consideration. If you have any questions, please call my office at (916) 319-2050.

Sincerely,

RICARDO LARA, Assembly Member
Fiftieth District

January 13, 2012

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Assembly Session, Friday, February 17, 2012, on legislative business. I will be attending the 2012 Annual Health Care Symposium put on by the Community Clinic Association of Los Angeles County. Thank you in advance for your consideration of my request. Should you have any questions, please contact Debbie Collins at (916) 319-2056.

Sincerely,

TONY MENDOZA, Assembly Member
Fifty-sixth District

February 16, 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 Friday, February 17 due to legislative business. I appreciate your consideration of this request.

Sincerely,

MIKE MORRELL, Assembly Member
Sixty-third 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 Assembly Floor Session for legislative business on Friday, February 17. I have confirmed speaking engagements in my district. Thank you for your consideration. Please contact Angela Almanza in my office for additional information.

Sincerely,

KRISTIN OLSEN, Assembly Member
Twenty-fifth District

February 9, 2012

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

Dear Mr. Speaker: I am respectfully requesting to be excused from Floor Session on Friday, February 17, 2012, on legislative business. I will be meeting with constituent groups to discuss proposed legislation pertaining to pension reform. Should you have any questions, please contact Donda Scholl in my office at 319-2038. Thank you for your attention to this matter.

Sincerely,

CAMERON M. SMYTH, Assembly Member
Thirty-eighth District

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

February 15, 2012

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

Dear Speaker Pérez: The Senate Rules Committee recommended that Senator Dutton be appointed as the Vice-Chair to the Joint Committee on Rules to replace Senator Harman who will remain on the committee as a member.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

SPECIAL COMMITTEE MEETINGS

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

Aging and Long-Term Care, to convene jointly with the Committee on Human Services, on Tuesday, March 13, 2012, at 2 p.m., in Room 126;

Health, on Tuesday, March 6, 2012, at 1:30 p.m., in Room 4202;

Select Committee on Regional Approaches to Addressing the State's Water Crisis, on Wednesday, March 14, 2012, at 9:30 a.m., in Room 437;

Joint Legislative Sunset Review Committee, on Tuesday, May 1, 2012, at 9 a.m., and on Friday, June 7, 2012, at 5 p.m.

REQUEST FOR PHOTOGRAPHER

Assembly Members Alejo, Brownley, and Furutani 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 Charles Calderon was granted unanimous consent that the following bills be re-referred as noted pursuant to Assembly Rule 96(a):

Assembly Bill No. 1500 from the Committee on Budget to the Committee on Revenue and Taxation;

Assembly Bill No. 1501 from the Committee on Budget to the Committee on Higher Education.

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>
1572 -----	Trans.
1576 -----	Ed.
1577 -----	Pub. S. and Trans.
1578 -----	L. Gov.
1579 -----	Health
1581 -----	B.,P. & C.P.
1582 -----	Jud.
1583 -----	B.,P. & C.P.
1588 -----	B.,P. & C.P.
1590 -----	L. Gov.
1591 -----	G.O.
1592 -----	L. Gov. and V.A.
1594 -----	Ed.
1596 -----	Rev. & Tax.
1597 -----	Rev. & Tax.
1598 -----	L. & E.
1600 -----	L. Gov. and Trans.
1601 -----	Nat. Res.
1605 -----	Rev. & Tax.
1606 -----	P.E.,R. & S.S.
1608 -----	Trans.
1609 -----	Nat. Res.
1612 -----	B.,P. & C.P.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
96 -----	Rls.
97 -----	Rls.
98 -----	Jud.
99 -----	Rls.
100 -----	Trans.
102 -----	Rls.
103 -----	Rls.
105 -----	Rls.
109 -----	Rls.

House

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

Senate Concurrent

<i>Resolution No.</i>	<i>Committee</i>
61 -----	Rls.
62 -----	Rls.

CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 104 (John A. Pérez)—
Relative to a Day of Remembrance.

Resolution read.

Members Made Coauthors of
Assembly Concurrent Resolution No. 104

Assembly Member John A. Pérez was granted unanimous consent to suspend the Rules to permit Members to be listed as additional coauthors of Assembly Concurrent Resolution No. 104.

Additional Coauthors

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

Achadjian, Alejo, Allen, Ammiano, Atkins, Beall, Bill Berryhill, Blumenfield, Bonilla, Bradford, Brownley, Buchanan, Butler, Charles Calderon, Campos, Carter, Conway, Cook, Davis, Dickinson, Donnelly, Feuer, Fong, Fuentes, Beth Gaines, Galgiani, Gatto, Gordon, Hagman, Halderman, Hall, Harkey, Huber, Huffman, Jeffries, Jones, Logue, Bonnie Lowenthal, Mansoor, Miller, Mitchell, Monning, Nestande, Nielsen, Perea, V. Manuel Pérez, Portantino, Silva, Skinner, Solorio, Torres, Valadao, Wagner, and Wieckowski.

Request for Unanimous Consent

Assembly Member John A. Pérez was granted unanimous consent to take up Assembly Concurrent Resolution No. 104, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 104, as Amended

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

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

RECESS

By unanimous consent, at 9:40 a.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Alejo, in recognition of the Day of Remembrance, introduced Emi Young, daughter of Jack Matsuoka.

Request for Use of Visual Aids

Assembly Member Alejo was granted unanimous consent to use visual aids on the Floor.

Assembly Member Alejo noted the accomplishments of Jack Matsuoka who documented and illustrated the life of Japanese citizens in the internment camps during World War II whereupon he presented a Members' Resolution.

**At 9:42 a.m., Assistant Speaker pro Tempore Mike Gatto,
43rd District, presiding**

Assembly Member Brownley introduced Carol Kocivar, representing the Parent Teacher Association (PTA) to mark the PTA's Founder's Day upon the 115th anniversary of the organization whereupon she presented a Members' Resolution.

RECONVENED

At 9:46 a.m., the Assembly reconvened.
Hon. Mike Gatto, Assistant Speaker pro Tempore of the Assembly, presiding.

ANNOUNCEMENTS

Assistant Speaker pro Tempore Gatto announced the following session schedule:

Monday, February 20, 2012, Holiday in observance of Presidents' Day;

Tuesday, February 21, 2012, Floor Session, 12 noon;

Wednesday, February 22, 2012, Check-in Session, 7 a.m.–3 p.m.;

Thursday, February 23, 2012, Floor Session, 9 a.m.

ADJOURN IN MEMORY

Assembly Member Jones was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Leslie "Les" Darrell Hart of Lakeside.

(Assembly Rule 45.5 suspended.)

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 Jeffries was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Randle Dean Smith of Wildomar.

Assembly Member Carter was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Samuel Martin, Sr., of San Bernardino.

CAUCUS ANNOUNCEMENTS

Assistant Speaker pro Tempore Gatto announced that the Republican Caucus would meet upon adjournment of Floor Session, in the Tom Bane Rules Committee Room.

MOTION TO ADJOURN

At 9:49 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 9:49 p.m., Assistant Speaker pro Tempore Gatto 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. 1740—V. Manuel Pérez. An act to amend Section 32228 of the Education Code, to amend Section 354.5 of the Elections Code, to amend Sections 11135, 12920, 12921, 12926, 12926.1, 12926.2, 12928, 12931, 12940, 12944, and 12951 of, and to add Section 12945.6 to, the Government Code, to amend Section 98.6 of the Labor Code, to amend Section 868.8 of the Penal Code, and to amend Section 4900 of the Welfare and Institutions Code, relating to employment.

ASSEMBLY BILL NO. 1741—Bonilla. An act to amend Section 71020.5 of the Education Code, relating to California Community Colleges.

ASSEMBLY BILL NO. 1742—Pan. An act to amend Section 1371.3 of the Health and Safety Code, and to add Section 10133.75 to the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 1743—Campos. An act to amend Section 67365 of the Education Code, relating to student athletes.

ASSEMBLY BILL NO. 1744—Bonnie Lowenthal. An act to amend Section 970 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 1745—Torres. An act to amend Section 2929.3 of the Civil Code, relating to real property.

ASSEMBLY BILL NO. 1746—Williams (Coauthor: Wieckowski) (Coauthors: Senators Alquist and Pavley). An act to amend, repeal, and add Section 49431.5 of the Education Code, relating to schools.

ASSEMBLY BILL NO. 1747—Feuer. An act to amend Section 10173.2 of, and add Sections 10113.71 and 10113.72 to, the Insurance Code, relating to life insurance.

ASSEMBLY BILL NO. 1748—Fong. An act to amend Section 81378.1 of the Education Code, relating to community colleges.

ASSEMBLY BILL NO. 1749—Pan. An act to amend Section 471 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1750—Solorio (Principal coauthor: Gatto) (Coauthors: Butler and Ma) (Coauthors: Senators Evans and Pavley). An act to amend Section 7027.5 of the Business and Professions Code, and to add Part 2.4 (commencing with Section 10570) to Division 6 of the Water Code, relating to water.

ASSEMBLY BILL NO. 1751—Pan. An act to amend Sections 17212, 17505, and 17506 of the Family Code, and to amend Section 11478.1 of the Welfare and Institutions Code, relating to child support services.

ASSEMBLY BILL NO. 1752—Yamada. An act to amend Section 1599.1 of the Health and Safety Code, relating to health care facilities.

ASSEMBLY BILL NO. 1753—Fletcher. An act to amend Section 17315 of the Education Code, relating to school facilities.

ASSEMBLY BILL NO. 1754—Mendoza. An act to amend Sections 7301, 7316, 7319, 7332, and 7334 of, and to add Sections 7325 and 7364.5 to, the Business and Professions Code, relating to barbering and cosmetology.

ASSEMBLY BILL NO. 1755—Perea. An act to amend Sections 739.1 and 739.9 of the Public Utilities Code, relating to electricity.

ASSEMBLY BILL NO. 1756—Knight (Principal coauthor: Nielsen) (Coauthors: Conway, Cook, Donnelly, Grove, Hagman, Halderman, Harkey, Jones, Logue, Morrell, Norby, Olsen, Silva, Valadao, and Wagner). An act to add Section 51204.7 to the Education Code, relating to pupil instruction.

ASSEMBLY BILL NO. 1757—Fletcher. An act to amend Section 8811 of the Family Code, relating to family law.

ASSEMBLY BILL NO. 1758—Valadao. An act to amend Section 36005 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1759—Fletcher. An act to amend Section 11489 of the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 1760—Halderman. An act to add Section 21658.5 to the Public Utilities Code, relating to navigable airspace.

ASSEMBLY BILL NO. 1761—John A. Pérez. An act to add Section 100510 to the Government Code, to add Section 1360.5 to the Health and Safety Code, and to amend Section 790.03 of the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 1762—Garrick. An act to amend Section 19601 of the Business and Professions Code, relating to horse racing.

ASSEMBLY BILL NO. 1763—Davis. An act to amend Section 923 of the Penal Code, relating to grand jury proceedings.

ASSEMBLY BILL NO. 1764—Roger Hernández. An act to amend Section 1502.6 of the Health and Safety Code, relating to private adoption agencies.

ASSEMBLY BILL NO. 1765—Brownley. An act to add Section 44259.4 to the Education Code, relating to teachers.

ASSEMBLY BILL NO. 1766—Bonilla. An act to amend Section 100502 of the Government Code, relating to health care coverage.

ASSEMBLY BILL NO. 1767—Norby. An act to amend Section 313 of the Education Code, relating to pupils.

ASSEMBLY BILL NO. 1768—Davis. An act to amend Section 9250.14 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

ASSEMBLY BILL NO. 1769—Campos. An act relating to economic development.

ASSEMBLY BILL NO. 1770—Bonnie Lowenthal. An act to amend Section 64102 of the Government Code, relating to transportation.

ASSEMBLY BILL NO. 1771—Valadao. An act to amend Section 399.12 of, and to repeal Section 399.12.5 of, the Public Utilities Code, relating to energy.

ASSEMBLY BILL NO. 1772—Buchanan. An act to amend Section 48414 of the Education Code, relating to pupil instruction.

ASSEMBLY BILL NO. 1773—Yamada. An act to add Section 3706 to the Fish and Game Code, relating to migratory birds.

ASSEMBLY BILL NO. 1774—Mansoor. An act to add Title 3 (commencing with Section 3460) to Part 2 of Division 4 of the Civil Code, and to amend Sections 6354 and 6355 of, and to add Sections 18154.2 and 24996 to, the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 1775—Wieckowski. An act to amend Section 706.050 of the Code of Civil Procedure, relating to wage garnishment.

ASSEMBLY BILL NO. 1776—Fong (Coauthors: Senators Evans and Leno). An act to amend Section 422.5 of, and to add Chapter 29.5 (commencing with Section 7593.5) to Division 7 of Title 1 of, the Government Code, relating to state government.

MESSAGES FROM THE SENATE

Senate Chamber, February 17, 2012

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

Assembly Bill No. 324

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.

REPORTS OF STANDING COMMITTEES
Committee on Rules

Date of Hearing: February 17, 2012

Mr. Speaker: Your Committee on Rules reports:
Senate Concurrent Resolution No. 62

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

Above resolution ordered to second reading.

Date of Hearing: February 17, 2012

Mr. Speaker: Your Committee on Rules reports:
House Resolution No. 22

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

Above resolution ordered to second reading.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Charles Calderon, the Assembly adjourned until 12 noon, Tuesday, February 21, 2012, out of respect to the memory of Leslie "Les" Darrell Hart on motion of Assembly Member Jones; out of respect to the memory of Randle Dean Smith on motion of Assembly Member Jeffries; and out of respect to the memory of Samuel Martin, Sr. on motion of Assembly Member Carter.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk