

CALIFORNIA LEGISLATURE
2013–14 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 19, 2013
TWENTY-SEVENTH SESSION DAY
SEVENTY-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. All Senate amendments to Assembly measures considered by the Assembly on this day are on file with the Secretary of the Senate and available on request. A list of all measures amended and on which amendments were offered in the Assembly is shown on the final page of this day's Assembly Journal.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 19, 2013

The Assembly met at 12 noon.
Hon. Nora Campos, 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 Atkins 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 12:02 p.m., Speaker pro Tempore Campos declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

Achadjian	Dahle	Holden	Patterson
Alejo	Daly	Hueso	Perea
Allen	Dickinson	Jones	Pérez, V. Manuel
Ammiano	Donnelly	Jones-Sawyer	Quirk
Atkins	Eggman	Levine	Quirk-Silva
Bigelow	Fong	Linder	Rendon
Bloom	Fox	Logue	Salas
Blumenfield	Frazier	Lowenthal	Skinner
Bocanegra	Gaines	Maienschein	Stone
Bonilla	Garcia	Mansoor	Ting
Bonta	Gatto	Medina	Torres
Bradford	Gomez	Melendez	Wagner
Brown	Gordon	Mitchell	Waldron
Buchanan	Gorell	Morrell	Weber
Calderon	Gray	Mullin	Wieckowski
Campos	Grove	Muratsuchi	Wilk
Chau	Hagman	Nazarian	Williams
Chesbro	Hall	Nestande	Yamada
Conway	Harkey	Olsen	Mr. Speaker
Cooley	Hernández	Pan	

PRAYER

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

Lord, When our doctor prescribes a medication for us, how do we know that the medicine will help us and not kill us? We have faith in the doctor and the pharmacist that they do the right thing. Help us, Lord, not to just go through the motions of faith, but to have our faith influence what we do. Let our heart and mind think about You every day and our soul incline toward Your goodness.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Campos, 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 Atkins, seconded by Assembly Member Hagman.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of a death in his family: Assembly Member Chávez.

SPECIAL COMMITTEE MEETINGS

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

Labor and Employment, on Wednesday, March 6, 2013, at 1:30 p.m., in Room 447;

Budget Subcommittee No. 1 on Health and Human Services and Budget Subcommittee No. 2 on Education Finance, on Wednesday, March 20, 2013, at 1:30 p.m.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Fong was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting guests on the Assembly Floor.

BILLS REMOVED FROM CONSENT CALENDAR

The following bill was removed from the Consent Calendar and placed on the third reading file, pursuant to Joint Rule 22.2:

Senate Joint Resolution No. 2, on request of Assembly Member Hagman.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Williams was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting a guest to sit at his desk in the Assembly Chamber, whereupon he introduced his cousin, Kalia Lyman.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 11 (Muratsuchi)—Relative to a Day of Remembrance.

Resolution read third time.

Request for Use of Visual Aids

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

Point of Order

Assembly Member Atkins arose to the following point of order:

That Assembly Member Donnelly address the resolution before the Body.

Ruling by Speaker pro Tempore Campos

The Speaker pro Tempore ruled the point of order well-taken.

Announcements

Speaker pro Tempore Campos announced that applause in favor or opposition to a bill during debate is not allowed.

Request for Use of Visual Aids

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

**Members Made Coauthors of
Assembly Concurrent Resolution No. 11**

Assembly Member Muratsuchi was granted unanimous consent to suspend the Rules to permit Members to be listed as additional coauthors of Assembly Concurrent Resolution No. 11.

Additional Coauthors

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

Achadjian, Alejo, Allen, Ammiano, Atkins, Bigelow, Bloom, Blumenfield, Bocanegra, Bonilla, Bradford, Brown, Buchanan, Ian Calderon, Campos, Chesbro, Conway, Cooley, Dahle, Daly, Dickinson, Donnelly, Eggman, Fox, Frazier, Beth Gaines, Garcia, Gatto, Gomez, Gordon, Gorell, Gray, Grove, Hagman, Hall, Harkey, Roger Hernández, Holden, Hueso, Jones, Jones-Sawyer, Levine, Linder, Logue, Lowenthal, Maienschein, Mansoor, Medina, Melendez, Mitchell, Morrell, Mullin, Nazarian, Nestande, Olsen, Pan, Patterson, Perea, John A. Pérez, V. Manuel Pérez, Quirk, Quirk-Silva, Rendon, Salas, Skinner, Stone, Torres, Wagner, Waldron, Weber, Wieckowski, and Wilk.

Request for Unanimous Consent

Assembly Member Muratsuchi was granted unanimous consent to take up Assembly Concurrent Resolution No. 11, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 11, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 11—Relative to a Day of Remembrance.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

RECESS IN RECOGNITION OF DAY OF REMEMBRANCE

By unanimous consent, at 12:34 p.m., Speaker pro Tempore Campos, on behalf of the Asian Pacific Islander Legislative Caucus, declared the Assembly recessed to permit the introduction of special guests in recognition of Day of Remembrance relative to the events surrounding the internment of Americans of Japanese ancestry during World War II.

Assembly Member Muratsuchi, Member of the Asian Pacific Islander Legislative Caucus, recognized representatives of the Japanese-American Citizens League. Assembly Member Muratsuchi also recognized guests who were interned at the Gila, Jerome, Topaz, and Tule Lake sites: Mas Hatano, Terry Kagiya, Doris Tsukamoto Kobayashi, Charles Kobayashi, Teiko Matsuo, Kiyo Sato, Marielle Tsukamoto, Yosh Uchida, Christine Umeda, and Stan Umeda.

Assembly Member Muratsuchi acknowledged and honored the Nisei veterans present today who served with the 442nd Regimental Combat Team, the 100th Infantry Battalion, and the Military Intelligence Service in World War II: George Masao Hiramoto, Leo Hosoda, James Iso, Akira Iwatsuru, and Terry Kagiya.

Speaker pro Tempore Campos, on behalf Chair Paul Fong and the Members of the Asian Pacific Islander Legislative Caucus, thanked today's special guests and the Members of the Assembly for their participation in the of Day of Remembrance ceremony.

RECONVENED

At 12:38 p.m., the Assembly reconvened.

Speaker pro Tempore of the Assembly, Nora Campos, 27th District, presiding.

ADJOURN IN MEMORY

Assembly Member Bradford was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jerry Buss of Playa del Rey.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Gordon and Fong were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Charles Sang Lum of Atherton.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Logue was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Percy Adams Rideout of Yuba City.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Wieckowski was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rich Swift of Newark.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Speaker pro Tempore Campos announced the following session schedule:

Wednesday, February 20, 2013, Check-in Session, 7 a.m.–3 p.m.;

Thursday, February 21, 2013, Floor Session, 9 a.m.;

Friday, February 22, 2013, No session.

Speaker pro Tempore Campos announced that Friday, February 22, 2013, is the last day for bills to be introduced.

Monday, February 25, 2013, Floor Session, 12 noon.

Speaker pro Tempore Campos announced that the panoramic photos for the *California State Assembly* publication would be taken in the Assembly Chamber on Monday, February 25, 2013.

ADJOURN IN MEMORY

Assembly Member Atkins was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jack Eberhardt Damson of San Diego.

Assembly Member Lowenthal was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Autrilla Scott and Carlos De Avila of Long Beach.

MOTION TO ADJOURN

At 12:48 p.m., Assembly Member Ting moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:48 p.m., Speaker pro Tempore Campos 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. 441—Patterson. An act to add Section 185036.2 to the Public Utilities Code, relating to high-speed rail.

ASSEMBLY BILL NO. 442—Nazarian. An act to amend Sections 1194.2 and 1197.1 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 443—Lowenthal. An act to amend Section 12419.10 of the Government Code, and Sections 4764 and 4774 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 444—Lowenthal. An act to amend Sections 21953, 21954, and 21955 of the Vehicle Code, relating to pedestrians.

ASSEMBLY BILL NO. 445—Chávez. An act to amend Section 72670 of the Education Code, relating to postsecondary education.

ASSEMBLY BILL NO. 446—Mitchell. An act to amend Sections 120990 and 123148 of, and to add Section 120991 to, the Health and Safety Code, relating to HIV testing.

ASSEMBLY BILL NO. 447—Williams. An act to amend Section 72023.5 of the Education Code, relating to community colleges.

ASSEMBLY BILL NO. 448—Quirk. An act to amend Section 399.11 of the Public Utilities Code, relating to energy.

ASSEMBLY BILL NO. 449—Muratsuchi. An act relating to elementary and secondary education.

ASSEMBLY BILL NO. 450—Jones-Sawyer and Bocanegra. An act to amend Sections 5019.5 and 72031 of, and to add Article 4 (commencing with Section 72040) to Chapter 1 of Part 45 of Division 7 of Title 3 of, the Education Code, relating to postsecondary education.

ASSEMBLY BILL NO. 451—Eggman. An act to amend Sections 4980.72, 4980.74, 4980.78, 4980.80, 4980.90, 4999.57, 4999.58, 4999.59, 4999.60, 4999.61, and 4999.62 of the Business and Professions Code, relating to healing arts.

ASSEMBLY BILL NO. 452—Brown. An act to amend Section 1505 of the Health and Safety Code, relating to community care facilities.

ASSEMBLY BILL NO. 453—Mullin. An act to amend Section 75128 of the Public Resources Code, relating to sustainable communities.

ASSEMBLY BILL NO. 454—Dickinson. An act to add Section 4460 to the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 455—Medina (Coauthor: Quirk). An act to amend Sections 56351.8 and 56351.9 of the Education Code, relating to pupil instruction.

ASSEMBLY BILL NO. 456—Morrell. An act to amend Section 17276.20 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 457—Torres. An act to amend Section 603 of the Corporations Code, relating to corporations.

ASSEMBLY BILL NO. 458—Wieckowski. An act to add Sections 17226 and 24343.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 459—Mitchell. An act to amend Section 11005.4 of, and to add Section 11005.8 to, the Government Code, and to amend Section 12401 of, and to add Section 10300.1 to, the Public Contract Code, relating to public contracts.

ASSEMBLY BILL NO. 460—Ammiano. An act to amend Section 1374.55 of the Health and Safety Code, and to amend Section 10119.6 of the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 461—Achadjian. An act to add Section 23826.12 to the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 462—Stone. An act to add Section 13113.11 to the Health and Safety Code, relating to fire protection.

ASSEMBLY BILL NO. 463—Logue. An act to add Section 185036.2 to the Public Utilities Code, relating to high-speed rail.

ASSEMBLY BILL NO. 464—Daly. An act to amend Sections 1188 and 1195 of the Civil Code, to amend Section 103526 of the Health and Safety Code, and to amend Section 210 of the Probate Code, relating to vital records.

ASSEMBLY BILL NO. 465—Maienschein. An act to add Section 11105.07 to the Penal Code, relating to criminal history.

ASSEMBLY BILL NO. 466—Quirk-Silva. An act to amend Section 99214 of the Public Utilities Code, relating to public transit.

ASSEMBLY BILL NO. 467—Stone. An act to amend Section 8602 of the Family Code, relating to adoption.

ASSEMBLY BILL NO. 468—Chesbro. An act to amend Section 42463 of the Public Resources Code, relating to recycling.

ASSEMBLY BILL NO. 469—Wagner. An act to amend Section 17511.1 of the Business and Professions Code, relating to advertising.

ASSEMBLY BILL NO. 470—Mullin. An act to amend Section 32280 of the Education Code, relating to school safety.

ASSEMBLY BILL NO. 471—Atkins. An act to amend Section 14593 of the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 472—Patterson. An act to amend Section 3106 of, and to repeal and add Section 3117 of, the Elections Code, relating to elections.

ASSEMBLY BILL NO. 473—Ammiano. An act relating to medical cannabis.

ASSEMBLY BILL NO. 474—Stone. An act to amend Section 16516.5 of the Welfare and Institutions Code, relating to child welfare services.

ASSEMBLY BILL NO. 475—Brown. An act to amend Section 52379 of the Education Code, relating to pupil counseling.

ASSEMBLY BILL NO. 476—Jones-Sawyer. An act to amend Section 13206 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 477—Chau. An act to amend Section 15630.1 of the Welfare and Institutions Code, relating to elder and dependent adult abuse.

ASSEMBLY BILL NO. 478—Gomez. An act relating to state employees.

ASSEMBLY BILL NO. 479—Donnelly (Coauthors: Dahle, Jones, and Olsen). An act to add Section 6361.3 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 480—Ian Calderon. An act to amend Section 9855 of the Business and Professions Code, relating to service contracts.

ASSEMBLY BILL NO. 481—Lowenthal. An act to amend Section 1245.210 of the Code of Civil Procedure, to amend Sections 11005, 11005.2, 11007.1, 11011.13, 13332.11, 13332.12, 14255, 14662, 14666, 14666.6, 14666.8, and 14667 of the Government Code, to amend Sections 10106 and 10107 of the Public Contract Code, and to add Chapter 4 (commencing with Section 185040) to Division 19.5 of the Public Utilities Code, relating to high-speed rail.

ASSEMBLY BILL NO. 482—Atkins. An act to amend Sections 20053 and 20080 of, and to add Section 20092 to, the Education Code, relating to the California Cultural and Historical Endowment, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 483—Ting. An act to amend Section 402.5 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 484—Bonilla. An act to add Section 60640.3 to the Education Code, relating to pupil assessments, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 485—Gomez. An act relating to state employees.

ASSEMBLY BILL NO. 486—Mullin (Coauthors: Donnelly, Patterson, and Perea) (Coauthors: Senators Correa, Fuller, and Hill). An act to add Section 6377.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 487—Linder. An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 488—Williams. An act to add Article 3 (commencing with Section 42450.1) to Chapter 8 of Part 3 of Division 30 of the Public Resources Code, relating to recycling.

ASSEMBLY BILL NO. 489—Skinner. An act to amend Section 25943 of the Public Resources Code, relating to energy.

ASSEMBLY BILL NO. 490—Skinner. An act to repeal and add Section 6452 of the Probate Code, relating to intestate succession.

ASSEMBLY BILL NO. 491—Torres. An act to amend Sections 207 and 212 of the Corporations Code, relating to corporations.

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 19—Pan. Relative to Japanese American state employees.

HOUSE RESOLUTION NO. 8—Hall. Relative to Problem Gambling Awareness Week.

AUTHOR'S AMENDMENTS
Committee on Public Safety

February 19, 2013

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 63

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

AMMIANO, Chair

ASSEMBLY BILL NO. 63—An act to amend Section 3000.08, 3000.09, 3455, and 3458 of, and to add Section 3010.10 to, the Penal Code, relating to electronic monitoring.

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 Governmental Organization

February 19, 2013

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:

Assembly Bill No. 55

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

HALL, Chair

ASSEMBLY BILL NO. 55—An act to amend Sections 7.1, 1689.5, 1689.24, 1695.1, and 1812.303 of the Civil Code, to amend Sections 37220.7, 45203, 79020, and 88203 of the Education Code, and to amend Sections 6700, 6712, 19853, and 19853.1 of the Government Code, relating to holidays.

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.

INTRODUCTION OF GUESTS

Assembly Member Beth Gaines, of the 6th Assembly District, introduced the 4th grade class and parents from Presentation School.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Ting, the Assembly adjourned until 7 a.m., Wednesday, February 20, 2013, out of respect to the memory of Jerry Buss on motion of Assembly Member Bradford; out of respect to the memory of Charles Sang Lum on motion of Assembly Members Gordon and Fong; out of respect to the memory of Percy Adams Rideout on motion of Assembly Member Logue; out of respect to the memory of Rich Swift on motion of Assembly Member Wieckowski; out of respect to the memory of Jack Eberhardt Damson on motion of Assembly Member Atkins; and out of respect to the memory of Autrilla Scott and Carlos De Avila on motion of Assembly Member Lowenthal.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 19, 2013**

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

AB	RN
55	1306201
63	1308630

Daily Total:	2
Cumulative Total:	16

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