2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 1, 2012

ONE HUNDRED SIXTY-FIRST SESSION DAY FOUR HUNDRED FIFTY-SECOND 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.

(Please direct any inquiries and report any omissions or errors to Minute Clerk: Phone 916-319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento Thursday, March 1, 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 Cook 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—75:

PRAYER

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

Lord, Faith is a gift. It is not something we have to contrive or work up. We have all been given a measure of faith and that faith grows as we act on it. Help us, Lord, to feed our faith by contemplating on You, by knowing You and by understanding Your goodness. Transform us into Your image and let everything we do bring glory to You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Huber then led the Assembly in the pledge of allegiance to the Flag.

SPECIAL RECOGNITION

The Members of the Assembly joined Speaker pro Tempore Ma in extending best wishes to Assembly Member Huber on the occasion of her birthday.

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 Member Charles Calderon.

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

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

Because of illness: Assembly Member Bonnie Lowenthal.

(NOTE: For letter explaining the absence of Assembly Member Charles Calderon on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Journal for February 29, 2012.)

COMMUNICATIONS

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

March 1, 2012

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

Dear Dotson: Please be advised that I am removing Assemblymember Beth Gaines from her temporary committee assignments and reinstating Assemblymember Jeff Gorell* to the following committees:

Assembly Education Committee Assembly Judiciary Committee Assembly Labor and Employment Committee Assembly Utilities and Commerce Committee Assembly Veterans' Affairs Committee Sincerely,

> JOHN A. PÉREZ Speaker of the Assembly

> > March 1, 2012

E. Dotson Wilson

Chief Clerk of the Assembly State Capitol, Room 3196 Sacramento, California

Dear Dotson: Please be advised that I have made changes to the following committees for the 2011–12 Regular Session:

Accountability and Administrative Review

I have appointed Assemblymembers Katcho Achadjian and Jeff Gorell* to replace Assemblymembers Nathan Fletcher and Shannon Grove on the Assembly Accountability and Administrative Review Committee.

Arts, Entertainment, Sports, Tourism and Internet Media

I have appointed Assemblymember Beth Gaines to replace Assemblymember Kristin Olsen as Vice Chair of the Assembly Arts, Entertainment, Sports, Tourism and Internet Media Committee.

Budget

I have appointed Assemblymember Shannon Grove to replace Assemblymember Kevin Jeffries on the Assembly Budget Committee.

Budget Subcommittee No. 1 on Health and Human Services

I have appointed Assemblymember Shannon Grove to replace Assemblymember Kevin Jeffries on the Assembly Budget Subcommittee No. 1 on Health and Human Services.

^{* (}NOTE: Assembly Member Gorell will be assigned to this committee upon his return to office. Please see Assembly Journal for February 28, 2011, page 452.)

Education

I have appointed Assemblymember Shannon Grove to replace Assemblymember Jeff Gorell* on the Assembly Education Committee.

Elections and Redistricting

I have appointed Assemblymember Tim Donnelly to replace Assemblymember Dan Logue as Vice Chair of the Assembly Elections and Redistricting Committee. Assemblymember Logue will remain on the committee. Assemblymember David Valadao has been removed from the committee.

Environmental Safety and Toxic Materials

I have appointed Assemblymember Tim Donnelly to replace Assemblymember David Valadao on the Assembly Environmental Safety and Toxic Materials Committee.

Higher Education

I have appointed Assemblymember Kristin Olsen to replace Assemblymember Tim Donnelly as Vice Chair of the Assembly Higher Education Committee.

Housing and Community Development

I have appointed Assemblymember Beth Gaines to replace Assemblymember Jeff Miller on the Assembly Housing and Community Development Committee.

Insurance

I have appointed Assemblymember Beth Gaines to replace Assemblymember Shannon Grove on the Assembly Insurance Committee.

Revenue and Taxation

I have appointed Assemblymember Nathan Fletcher to the Assembly Revenue and Taxation Committee. I have appointed Assemblymember Diane Harkey as Vice Chair. Assemblymember Tim Donnelly has been removed from the committee.

Water, Parks and Wildlife

I have appointed Assemblymember Beth Gaines to replace Assemblymember Kristin Olsen on the Assembly Water, Parks and Wildlife Committee.

Legislative Ethics

I have appointed Assemblymember Jeff Miller to replace Assemblymember Jim Silva on the Assembly Legislative Ethics Committee.

Sincerely,

JOHN A. PÉREZ Speaker of the Assembly

^{* (}NOTE: Assembly Member Gorell will be assigned to this committee upon his return to office. Please see Assembly Journal for February 28, 2011, page 452.)

March 1, 2012

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

Dear Dotson: Please be advised that I have removed Assemblymember Jared Huffman from the Assembly Judiciary Committee, creating a Democratic vacancy.

Sincerely,

JOHN A. PÉREZ Speaker of the Assembly

February 29, 2012

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

RE: Appointment of Timothy Donovan to San Francisco Bay Area Water Emergency Transportation Authority, Board of Directors

Dear Mr. Wilson: Please be advised I have appointed Mr. Timothy Donovan to the San Francisco Bay Area Water Emergency Transportation Authority, Board of Directors. This is a term appointment starting February 29, 2012 and the expiration date is January 1, 2014.

Sincerely,

JOHN A. PÉREZ Speaker of the Assembly

February 28, 2012

E. Dotson Wilson

Chief Clerk of the Assembly State Capitol, Room 3196 Sacramento, California

RE: Appointment of Michael Hart to Employment Training Panel

Dear Mr. Wilson: Please be advised I have appointed Mr. Michael Hart to the Employment Training Panel. This is a term appointment starting February 28, 2012 and the expiration date is January 1, 2014. Sincerely,

> JOHN A. PÉREZ Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Elections and Redistricting, on Monday, March 5, 2012, at 11:30 a.m., in Room 3162;

Judiciary, on Monday, March 5, 2012, upon adjournment of Floor Session, in Room 3162.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 1, 2012

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 1435 Assembly Bill No. 1605 Assembly Bill No. 1695 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly	
Bill No.	Committee
1587	L. Gov. and Jud.
1589	- W.,P. & W. and Rev. & Tax.
1604	
1652	-Rls.
1656	- Nat. Res. and L. Gov.
1657	- Pub. S. and Health
1663	_ Ed.
	-H. & C.D. and W.,P. & W.
1693	
1712	-Hum. S.
1713	-Pub. S.
1714	-Hum. S.
1716	-E. & R.
1717	- Hum. S. and Ed.
1718	
1719	_ Ed.
1720	_ Jud.
1721	-Nat. Res.
1722	- Trans.
1725	- Trans.
1727	_Jud.
1728	- Health
1729	_ Ed.
1731	- Health
1732	_ Ed.
1733	- Health
1735	_ P.E.,R. & S.S.
1738	- Health
1739	
1740	L. & E. and Jud.
1741	
1742	- Health

1743 _____Higher Ed. 1746 _____Ed. **1747** _____Ins. **1748** _____ Higher Ed. **1749** _____ Trans. 1750 _____B.,P. & C.P. and W.,P. & W. 1751 _____Hum. S. and Jud. 1752 _____ Health and Aging & L.T.C. 1754 _____B.,P. & C.P. **1756** _____Ed. **1758** _____ Trans. **1761** _____ Health 1763 _____Pub. S. **1764** _____Hum. S. **1765** _____Ed. **1767** _____Ed. 1768 _____L. Gov. and Trans. **1770** _____ Trans. 1774 _____Rev. & Tax. 1775 _____Jud. 1776 _____W.,P. & W. 1777 _____B.,P. & C.P. **1778** _____ Trans. **1781** _____Ed. 1782 _____B.,P. & C.P. 1784 _____W.,P. & W. 1785 _____Health 1786 _____W.,P. & W. 1787 _____P.E.,R. & S.S. 1788 _____Rev. & Tax. **1790** _____Ed. 1793 _____ Health 1794 _____ Ins. and B.,P. & C.P. 1797 ____H. & C.D. 1798 _____W.,P. & W. 1799 _____Ed. **1800** _____ Health **1804** _____L. Gov. and B.,P. & C.P. **1805** _____E. & R. and V.A. **1807** _____Jud. **1808** _____P.E.,R. & S.S. **1809** _____Health **1810** _____B.,P. & C.P. and Jud. **1811** _____Ed. **1812** _____G.O. **1814** _____E. & R. **1815** _____P.E., R. & S.S. 1816 _____L. Gov. 1817 _____Pub. S. **1821** _____B.,P. & C.P. **1822** _____B.,P. & C.P. **1823** _____V.A. **1826** _____ Higher Ed. **1829** _____Ed.

1830	U. & C.
1834	Nat. Res.
1838	Jud.
1842	V.A.
1845	Ins.
1851	E. & R.
1854	
1855	
1857	Ed.
1858	Ed.
1862	
1864	Jud.
1867	
Assembly Concurrent	
Resolution No.	Committee
111	00111111100
113	==100
113	
	= $=$ K18.
Assembly Joint	<i>a</i> .
Resolution No.	Committee
22	Jud.
House	
Resolution No.	Committee
23	-Rls.
Senate Concurrent	
Resolution No.	Committee
66	= $=$ Rls.

REQUEST FOR PHOTOGRAPHER

Assembly Members Mendoza and Mansoor 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 bills be re-referred as noted pursuant to Assembly Rule 96(a):

Assembly Bill No. 1508 from the Committee on Public Safety to the Committee on Rules;

Assembly Bill No. 1700 from the Committee on Revenue and Taxation to the Committee on Local Government, and to be returned to the Committee on Revenue and Taxation.

BILLS WITHDRAWN FROM INACTIVE FILE AND ORDERED RETURNED TO THE SENATE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file and ordered returned to the Senate:

Assembly Bill No. 403, on request of Assembly Member Campos.

MESSAGES FROM THE SENATE

Senate Chamber, March 1, 2012

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

Assembly Bill No. 1200

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.

Re-reference of Bills to Committee Pursuant to Assembly Rule 77.2

Pursuant to Assembly Rule 77.2, Speaker pro Tempore Ma re-referred the following bill to committee as noted:

Assembly Bill No. 1200, to the Committee on Elections and Redistricting.

CONSIDERATION OF DAILY FILE THIRD READING OF ASSEMBLY BILLS

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

Resolution read.

Members Made Coauthors of Assembly Concurrent Resolution No. 30

Assembly Member Mendoza was granted unanimous consent to suspend the Rules to permit Members to be listed as additional coauthors of Assembly Concurrent Resolution No. 30.

Additional Coauthors

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

Achadjian, Alejo, Allen, Ammiano, Atkins, Beall, Bill Berryhill, Block, Blumenfield, Bonilla, Bradford, Brownley, Buchanan, Butler, Campos, Carter, Cedillo, Chesbro, Conway, Cook, Dickinson, Eng, Feuer, Fong, Fuentes, Furutani, Beth Gaines, Galgiani, Garrick, Gatto, Gordon, Hagman, Halderman, Hall, Harkey, Hayashi, Roger Hernández, Hill, Huber, Hueso, Huffman, Jeffries, Jones, Lara, Logue, Ma, Mansoor, Miller, Monning, Morrell, Nestande, Nielsen, Olsen, Pan, Perea, John A. Pérez, V. Manuel Pérez, Portantino, Silva, Skinner, Smyth, Solorio, Swanson, Torres, Wagner, Wieckowski, Williams, and Yamada.

Request for Unanimous Consent

Assembly Member Mendoza was granted unanimous consent to take up Assembly Concurrent Resolution No. 30, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 30, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 30—Relative to Read Across America Day.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

RECESS

By unanimous consent, at 9:15 a.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Mendoza introduced E. Toby Boyd, teacher and California Teachers Association Board Member, in recognition of Read Across America Week, whereupon he presented a Members' Resolution.

RECONVENED

At 9:16 a.m., the Assembly reconvened. Hon. Fiona Ma, Speaker pro Tempore of the Assembly, presiding.

ADJOURN IN MEMORY

Assembly Member Chesbro was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William Brian Berkey, Jr. of Clearlake.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Gordon was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tom Martinez of Menlo Park.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Eng was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ruth Willner of Monterey Park.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Huber and Nielsen were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Norman Waters, Member of the Assembly from 1976 to 1990, resident of Plymouth.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

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

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Beth Gaines was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Kenneth Shipley of Granite Bay.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Speaker pro Tempore Ma announced as a reminder, that today, Thursday, March 1, 2012 is the deadline for Members to file their Statement of Economic Interests–Form 700 with the Fair Political Practices Commission. The completed Form 700 must be filed with the Office of the Chief Clerk, attention Assistant Chief Clerk Brian Ebbert, by 5 p.m., today, Thursday, March 1, 2012.

ANNOUNCEMENTS

Speaker pro Tempore Ma announced the following session schedule: Friday, March 2, 2012, No session;

Monday, March 5, 2012, Floor Session, 12 noon;

Tuesday, March 6, 2012, Check-in Session, 7 a.m.-3 p.m.;

Wednesday, March 7, 2012, Check-in Session, 7 a.m.-3 p.m.;

Thursday, March 8, 2012, Floor Session, 9 a.m.

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 Bill Berryhill was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Elizabeth "Betty Ann" Van Duyn of Modesto.

Assembly Member Butler was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Cheryl Lynn Liddle of Torrance.

MOTION TO ADJOURN

At 9:30 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 9:30 a.m., Speaker pro Tempore Ma declared the quorum call of the Assembly dispensed with.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 120—Nielsen (Coauthor: Senator La Malfa). Relative to California Cattlemen's Day.

AUTHOR'S AMENDMENTS Committee on Water, Parks and Wildlife

March 1, 2012

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports: Assembly Bill No. 1589

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

HUFFMAN, Chair

ASSEMBLY BILL NO. 1589—An act to amend Sections 5007 and 5080.42 of, and to add Article 1.8 (commencing with Section 5019.90) to Chapter 1 of Division 5 of, the Public Resources Code, to add Section 17137 to, and to add Article 13.7 (commencing with Section 18845) to Chapter 3 of Part 10.2 of, the Revenue and Taxation Code, and to amend Section 5155 of, and to add Section 5161 to, the Vehicle Code, relating to state parks, and declaring the urgency thereof, to take effect immediately.

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.

ASSEMBLY JOURNAL Committee on Health

Mr. Speaker: The Chair of your Committee on Health reports: Senate Bill No. 594

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

MONNING, Chair

March 1, 2012

SENATE BILL NO. 594—An act to amend Sections 101150 and 101160 of, and to add Sections 101161 and 101162 to, the Health and Safety Code, relating to public health.

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 Public Safety

March 1, 2012

Mr. Speaker: The Chair of your Committee on Public Safety reports: Senate Bill No. 542

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

AMMIANO, Chair

SENATE BILL NO. 542—An act to add Section 5012 to the Penal Code, relating to inmates.

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.

REPORTS OF STANDING COMMITTEES Committee on Rules

Date of Hearing: March 1, 2012

Mr. Speaker: Your Committee on Rules reports: Assembly Concurrent Resolution No. 73

House Resolution No. 23

With the recommendation: Be adopted.

SKINNER, Chair

Above resolutions ordered to third reading.

Date of Hearing: March 1, 2012

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 61

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

SKINNER, Chair

Above resolution ordered to Consent Calendar.

Date of Hearing: March 1, 2012

Mr. Speaker: Your Committee on Rules reports: Senate Bill No. 829

With the recommendation: That the bill be re-referred to the Committee on Business, Professions and Consumer Protection.

SKINNER, Chair

Above bill re-referred to the Committee on Business, Professions and Consumer Protection.

MESSAGES FROM THE SENATE

Senate Chamber, March 1, 2012

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

Assembly Concurrent Resolution No. 91

GREGORY P. SCHMIDT, Secretary of the Senate

By Bernadette McNulty, Assistant Šecretary

Above resolution ordered enrolled.

INTRODUCTION OF GUESTS

Assembly Member Mansoor, of the 68th Assembly District, introduced Janniffer Grubisch of Newport Beach.

ADJOURNMENT

At 9:30 a.m., pursuant to the motion by Assembly Member Allen, the Assembly adjourned until 12 noon, Monday, March 5, 2012, out of respect to the memory of Tom Martinez on motion of Assembly Member Gordon; out of respect to the memory of Ruth Willner on motion of Assembly Member Eng; out of respect to the memory of Hon. Norman Waters on motion of Assembly Members Huber and Nielsen; out of respect to the memory of Andrew Breitbart on motion of Assembly Member Halderman; out of respect to the memory of Dr. Kenneth Shipley on motion of Assembly Member Beth Gaines; out of respect to the memory of Elizabeth "Betty Ann" Van Duyn on motion of Assembly Member Bill Berryhill; and out of respect to the memory of Cheryl Lynn Liddle on motion of Assembly Member Butler.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

AMENDMENTS CONSIDERED BY THE **ASSEMBLY ON MARCH 1, 2012**

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

AB	RN	
1589	1207049	
SB	RN	
542	1207106	
594	1207013	
Dai Cumulati	ily Total: ve Total:	3 2511

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