

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 8, 2012

**ONE HUNDRED SIXTY-FIFTH SESSION DAY
FOUR HUNDRED FIFTY-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
Thursday, March 8, 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 Allen 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 9:04 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—74:

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

PRAYER

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

Lord, When the psalmist asked You to “teach us the number of our days, so that we may gain a heart of wisdom,” (Psalm 90:12) he was saying, “Teach us to value every moment we’ve been given.” Some days can be so full and busy that we forget how precious and fragile life is. Grant, Lord, that we remember that each day is a gift from You. Each day is unique and irreplaceable. Help us to keep a proper perspective and to draw closer to You, so that we may gain a heart of wisdom. —AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Jones 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 Conway.

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 Atkins and Nestande.

On legislative business, per diem waived for the 2011–12 Session (Assembly Journal, page 1424): Assembly Member Beth Gaines.

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

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

EXPLANATIONS OF ABSENCE

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

February 1, 2012

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

Dear Speaker Pérez: I respectfully request authorization to be excused from Assembly Floor Session on Thursday, March 8, 2012, due to legislative business in my district. Please contact my chief of staff, Kim Craig, at (916) 319-2076, should you have any questions.

Best Regards,

TONI ATKINS, Assembly Member
Seventy-sixth District

March 8, 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 that I be excused from Assembly Session on March 8, 2012, due to legislative business matters in my district. Please contact Jennifer Bell at extension x2683 if you have any questions. Thank you for your consideration to this request.

Sincerely,

BETH GAINES, Assembly Member
Fourth District

March 5, 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 Session on Thursday, March 8, 2012. I will be in my district for legislative business. If you have any questions, please call me at (916) 319-2064. Thank you for your prompt attention.

Sincerely,

BRIAN NESTANDE, Assembly Member
Sixty-fourth District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 8, 2012

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

Assembly Bill No. 1527
Assembly Bill No. 1637

Assembly Bill No. 1790
Assembly Bill No. 2540

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

<i>Bill No.</i>	<i>Committee</i>
1723 -----	Higher Ed. and G.O.
1760 -----	U. & C.
1806 -----	V.A.
1831 -----	L. Gov.
1840 -----	Ed.
1849 -----	Pub. S.
1856 -----	Hum. S.
1863 -----	L. Gov.
1865 -----	Jud.
1868 -----	U. & C. and Nat. Res.
1873 -----	L. Gov.
1874 -----	P.E.,R. & S.S.
1885 -----	P.E.,R. & S.S.

1892	-----	B.,P. & C.P.
1896	-----	B.,P. & C.P.
1897	-----	J., E.D. & E.
1898	-----	Ed.
1899	-----	Higher Ed.
1901	-----	L. Gov.
1902	-----	G.O.
1904	-----	B.,P. & C.P.
1908	-----	P.E.,R. & S.S.
1913	-----	Pub. S.
1914	-----	B.,P. & C.P.
1915	-----	Health
1917	-----	Ed. and Higher Ed.
1918	-----	Jud.
1919	-----	Ed.
1920	-----	B.,P. & C.P. and Jud.
1921	-----	Health
1922	-----	Trans.
1926	-----	B.,P. & C.P.
1927	-----	Jud. and L. Gov.
1928	-----	Hum. S.
1929	-----	E. & R.
1930	-----	P.E.,R. & S.S.
1932	-----	B.,P. & C.P. and V.A.
1933	-----	Nat. Res.
1936	-----	P.E.,R. & S.S. and V.A.
1937	-----	Ed. and Jud.
1938	-----	H. & C.D. and Jud.
1939	-----	L. Gov.
1944	-----	Health
1945	-----	Pub. S.
1949	-----	P.E.,R. & S.S.
1955	-----	Higher Ed.
1956	-----	Pub. S.
1957	-----	L. Gov.
1958	-----	L. & E.
1959	-----	B.,P. & C.P.
1960	-----	B.,P. & C.P.
1961	-----	W.,P. & W.
1963	-----	Rev. & Tax.
1965	-----	Higher Ed.
1966	-----	Nat. Res.
1967	-----	Ed.
1969	-----	V.A. and Higher Ed.
1970	-----	Hum. S.
1972	-----	Rev. & Tax.
1973	-----	W.,P. & W.
1974	-----	Rev. & Tax.
1978	-----	Jud.
1982	-----	B.,P. & C.P.
1983	-----	Health
1984	-----	Trans.
1985	-----	Jud.
1987	-----	Ed.

1989	-----	W.,P. & W.
1991	-----	Hum. S.
1992	-----	B.,P. & C.P. and Trans.
1994	-----	Jud.
1995	-----	Pub. S.
1997	-----	Jud.
1998	-----	L. Gov.
1999	-----	L. & E. and Jud.
2001	-----	Ed.
2003	-----	B.,P. & C.P.
2004	-----	Rev. & Tax.
2006	-----	B. & F.
2007	-----	Health
2008	-----	Ed.
2009	-----	Health and Ed.
2011	-----	W.,P. & W.
2012	-----	J., E.D. & E.
2019	-----	Hum. S.
2020	-----	Pub. S.
2021	-----	B.,P. & C.P. and Jud.
2022	-----	B.,P. & C.P.
2024	-----	Trans.
2025	-----	Jud.
2026	-----	Rev. & Tax. and A.,E.,S.,T. & I. M.
2027	-----	B.,P. & C.P. and Jud.
2029	-----	Pub. S.
2030	-----	B.,P. & C.P.
2031	-----	Pub. S.
2032	-----	Ed.
2033	-----	Pub. S.
2034	-----	Health
2035	-----	Hum. S.
2037	-----	Rev. & Tax.
2039	-----	L. & E.
2040	-----	Pub. S.
2041	-----	B.,P. & C.P.
2042	-----	Trans.
2043	-----	Jud.
2044	-----	Jud.
2045	-----	Nat. Res.
2047	-----	G.O.
2048	-----	Rev. & Tax.
2054	-----	E. & R.
2056	-----	E.S. & T.M.
2058	-----	Trans.
2059	-----	Rev. & Tax.
2061	-----	Trans.
2062	-----	E. & R.
2064	-----	Health
2065	-----	B.,P. & C.P.
2066	-----	Hum. S. and Aging & L.T.C.
2068	-----	Trans.
2069	-----	L. Gov.
2073	-----	Jud.

2074	-----	Hum. S.
2076	-----	Jud.
2078	-----	Pub. S.
2080	-----	E. & R.
2081	-----	B. & F.
2083	-----	Pub. S.
2084	-----	Ins.
2087	-----	Ed.
2091	-----	B.,P. & C.P.
2094	-----	Pub. S.
2096	-----	Health
2097	-----	Ed.
2099	-----	L. & E.
2104	-----	Ed.
2106	-----	Jud.
2111	-----	J., E.D. & E.
2116	-----	Ed.
2118	-----	Trans.
2122	-----	Higher Ed.
2125	-----	Ed.
2126	-----	Higher Ed.
2127	-----	Pub. S.
2128	-----	Trans.
2130	-----	Pub. S.
2132	-----	Higher Ed.
2133	-----	Higher Ed. and V.A.
2137	-----	Hum. S.
2138	-----	Ins.
2145	-----	Ed.
2148	-----	B.,P. & C.P.
2149	-----	Jud. and Aging & L.T.C.
2150	-----	H. & C.D.
2152	-----	Health
2153	-----	U. & C.
2155	-----	Ed.
2162	-----	E. & R.
2165	-----	U. & C.
2166	-----	E.S. & T.M.
2168	-----	Nat. Res.
2171	-----	Higher Ed.
2173	-----	Trans.
2174	-----	Agri.
2175	-----	Rev. & Tax.
2176	-----	L. & E.
2178	-----	Nat. Res.
2181	-----	B.,P. & C.P.
2182	-----	Pub. S.
2183	-----	L. Gov.
2184	-----	G.O.
2185	-----	B.,P. & C.P.
2188	-----	Trans.
2191	-----	E. & R.
2193	-----	Ed.
2197	-----	E.S. & T.M. and B.,P. & C.P.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
112 -----	Rls.
118 -----	Rls.

Assembly Joint

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

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Norby was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting guests to sit at his desk in the Assembly Chamber.

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

ASSEMBLY BILL NO. 1438—An act to amend Section 11166 of the Penal Code, relating to child abuse reporting.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 1445—An act to amend Section 4025.5 of the Penal Code, relating to jails.

Bill read second time, and ordered to Consent Calendar.

CONSIDERATION OF CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Senate Resolutions

SENATE CONCURRENT RESOLUTION NO. 61 (Evans)—Relative to Cervical Cancer Awareness Month.

Consent Calendar Roll Call

The roll was called, and the above resolution on the Consent Calendar adopted by the following vote:

AYES—72

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

NOES—None

ADJOURN IN MEMORY

Assembly Member Nielsen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Captain Mark Ratledge, Cottonwood Fire Protection District, resident of Cottonwood.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Huffman and Ammiano were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Harold “Hal” Brown of San Anselmo.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member V. Manuel Pérez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Catalina Huerta López of La Quinta.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Galgiani was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Douglass Woods Wilhoit, Sr. of Stockton.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Speaker pro Tempore Ma announced the following session schedule:

Friday, March 9, 2012, No session;

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

Tuesday, March 13, 2012, Check-in Session, 7 a.m.–3 p.m.;

Wednesday, March 14, 2012, Check-in Session, 7 a.m.–3 p.m.;

Thursday, March 15, 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 Solorio was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Albert M. Esparza of Santa Ana.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their vote on the following item:

Consent Calendar: Galgiani, Hall, Hueso, Huffman, Logue, Mansoor, Miller, Nielsen, and Skinner—Aye.

MOTION TO ADJOURN

At 9:20 a.m., Assembly Member Charles Calderon moved that the Assembly do now adjourn.

Assembly Member Jones seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:20 a.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. 2681—Committee on Agriculture. An act to repeal and add Chapter 2 (commencing with Section 10901) to Part 3 of Division 5 of, and to repeal and add Division 8 (commencing with Section 16001) of, the Food and Agricultural Code, relating to food waste.

ASSEMBLY BILL NO. 2682—Committee on Agriculture. An act to amend Sections 61933 and 77191 of the Food and Agricultural Code, relating to agriculture.

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 124—Logue and Pan. Relative to American Red Cross Month.

HOUSE RESOLUTION NO. 25—Buchanan. Relative to Prescription Drug Awareness Month.

**AUTHOR'S AMENDMENTS
Committee on Natural Resources**

March 8, 2012

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Assembly Bill No. 1506

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

CHESBRO, Chair

ASSEMBLY BILL NO. 1506—An act to repeal Chapter 1.5 (commencing with Section 4210) of Part 2 of Division 4 of the Public Resources Code, relating to fire prevention.

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 Environmental Safety and Toxic Materials

March 8, 2012

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 1701

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

WIECKOWSKI, Chair

ASSEMBLY BILL NO. 1701—An act to amend Sections 25299.109 and 25299.206 of the Health and Safety Code, relating to underground storage tanks.

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 Judiciary

March 8, 2012

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 1511

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

FEUER, Chair

ASSEMBLY BILL NO. 1511—An act to amend Section 1103.4 of the Civil Code, relating to real property.

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 Transportation

March 8, 2012

Mr. Speaker: The Chair of your Committee on Transportation reports:

Assembly Bill No. 1608

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

BONNIE LOWENTHAL, Chair

ASSEMBLY BILL NO. 1608—An act to add Section 44274.8 to the Health and Safety Code, relating to air quality.

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 Housing and Community Development

March 8, 2012

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Assembly Bill No. 1585

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

TORRES, Chair

ASSEMBLY BILL NO. 1585—An act to amend Sections 34171, 34176, 34177, 34179, 34180, 34181, and 34183 of the Health and Safety Code, relating to redevelopment, 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.

Committee on Human Services

March 8, 2012

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 1554

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

BEALL, Chair

ASSEMBLY BILL NO. 1554—An act to amend Section 4629.5 of the Welfare and Institutions Code, relating to developmental services.

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 Health

March 8, 2012

Mr. Speaker: The Chair of your Committee on Health reports:

Assembly Bill No. 1678

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

MONNING, Chair

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

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 8, 2012

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 50

Assembly Concurrent Resolution No. 113

Assembly Concurrent Resolution No. 114

With the recommendation: Be adopted.

SKINNER, Chair

Above resolutions ordered to third reading.

Date of Hearing: March 8, 2012

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 66

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 8, 2012

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 110

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.

INTRODUCTION OF GUESTS

Assembly Member Bonilla, of the 11th Assembly District, introduced the Leadership Academy of Tabernacle School in Concord, participating in the Tabernacle School Leadership Training Institute.

Assembly Member Hagman, of the 60th Assembly District, introduced Gary Ovitt, 4th District Supervisor, San Bernardino County; and Sue Ovitt, Chaffey High School District School Board Member.

Assembly Member Jones, of the 77th Assembly District, introduced members of the Grossmont Union High School District Career Regional Occupational Program (R.O.P.).

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Charles Calderon, the Assembly adjourned until 12 noon, Monday, March 12, 2012, out of respect to the memory of Captain Mark Ratledge on motion of Assembly Member Nielsen; out of respect to the memory of Harold "Hal" Brown on motion of Assembly Members Huffman and Ammiano; out of respect to the memory of Catalina Huerta López on motion of Assembly Member V. Manuel Pérez; out of respect to the memory of Douglass Woods Wilhoit, Sr. on motion of Assembly Member Galgiani; and out of respect to the memory of Albert M. Esparza on motion of Assembly Member Solorio.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 8, 2012**

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

AB	RN	
1438	1207168	
1506	1207297	
1511	1207320	
1554	1207295	
1585	1207607	
1608	1207309	
1678	1207445	
1701	1207105	
Daily Total:		8
Cumulative Total:		2531

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