

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 9, 2012**

**ONE HUNDRED NINETY-SIXTH SESSION DAY  
FIVE HUNDRED TWENTY-FIRST CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, May 9, 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—74:

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

Quorum present.

**At 12:04 p.m., Hon. Nora Campos, 23rd 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 Logue and Mansoor.*

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

*Because of illness: Assembly Member Furutani.*

*Because of illness in his family: Assembly Member Portantino.*

**EXPLANATIONS OF ABSENCE**

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

May 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 that I be excused from Assembly Session on May 9, 2012, due to legislative business in my district. If you have any questions, please contact Stephanie Steele 319-2227. Thank you for your consideration of this request.

Sincerely,

DAN LOGUE, Assembly Member  
Third District

May 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 that I be excused from Assembly Session on May 9, 2012, as I have legislative business in my district. If you have any questions, please contact Calvin Rusch at 916.319.2984. Thank you for the consideration of this request.

Sincerely,

ALLAN R. MANSOOR, Assembly Member  
Sixty-eighth District

**SPECIAL COMMITTEE MEETINGS**

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

Banking and Finance, to convene a Conference Committee hearing relating to foreclosure, on the following dates:

May 14, 2012, room TBA, upon call of the Chairs;

May 17, 2012, room TBA, upon call of the Chairs;

May 18, 2012, room TBA, upon call of the Chairs;

May 21, 2012, room TBA, upon call of the Chairs;

May 22, 2012, room TBA, upon call of the Chairs;

May 23, 2012, room TBA, upon call of the Chairs.

Environmental Safety and Toxic Materials, on Tuesday, June 12, 2012, at 1:30 p.m.;

Budget, on Tuesday, May 15, 2012, at 10:00 a.m., in Room 4202;

Budget Subcommittees Nos. 1, 2, 3, 4, and 5, to convene May Budget Revise hearings from May 15, 2012, through May 27, 2012.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 9, 2012

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Concurrent Resolution No. 128  
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, May 9, 2012

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 2356  
 Assembly Bill No. 2410  
 Assembly Bill No. 2452  
 Assembly Bill No. 2489  
 And reports the same correctly engrossed.

Assembly Bill No. 2502  
 Assembly Bill No. 2521  
 Assembly Bill No. 2684

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 9, 2012

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 1966  
 Assembly Bill No. 2685  
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading file.

Assembly Chamber, May 9, 2012

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 2669  
 Assembly Bill No. 2476  
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to the Consent Calendar.

Assembly Chamber, May 9, 2012

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Concurrent Resolution No. 139  
 Assembly Joint Resolution No. 27  
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

Assembly Chamber, May 9, 2012

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 1500  
 Assembly Bill No. 2462  
 Assembly Bill No. 2471  
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 39—Chesbro and Huffman (Coauthor: Hagman) (Coauthors: Senators Evans and La Malfa).** Relative to California seafood.

**AUTHOR'S AMENDMENTS  
Committee on Appropriations**

May 9, 2012

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

Assembly Bill No. 1514

Assembly Bill No. 2616

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

FUENTES, Chair

**ASSEMBLY BILL NO. 1514**—An act to amend Section 4216.6 of the Government Code, and to add Section 565 to the Public Utilities Code, relating to excavations.

Bill read second time.

**ASSEMBLY BILL NO. 2616**—An act to amend Sections 48260 and 48264.5 of the Education Code, relating to school districts.

Bill read second time.

Author's amendments, presented pursuant to Assembly Rules, read and adopted; bills ordered reprinted, and to be re-referred to the committee.

**Committee on Business, Professions and Consumer Protection**

May 9, 2012

Mr. Speaker: The Chair of your Committee on Business, Professions and Consumer Protection reports:

Senate Bill No. 252

Senate Bill No. 628

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

HAYASHI, Chair

**SENATE BILL NO. 252**—An act to add Article 4.5 (commencing with Section 19135) to Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code, relating to public contracts.

Bill read second time.

**SENATE BILL NO. 628**—An act to add Section 4936 to the Business and Professions Code, relating to acupuncture.

Bill read second time.

Author's amendments, presented pursuant to Assembly Rules, read and adopted; bills ordered reprinted, and to be re-referred to the committee.

**Committee on Utilities and Commerce**

May 9, 2012

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:  
Senate Bill No. 843

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

BRADFORD, Chair

**SENATE BILL NO. 843**—An act to amend Section 25019 of the Corporations Code, and to amend Sections 216 and 218 of, to repeal Section 2826.5 of, and to repeal and add Chapter 7.5 (commencing with Section 2830) of Part 2 of Division 1 of, the Public Utilities Code, relating to energy.

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.

May 9, 2012

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:  
Assembly Bill No. 2097

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

BRADFORD, Chair

**ASSEMBLY BILL NO. 2097**—An act to add and repeal Section 315.5 of the Public Utilities Code, relating to public utilities.

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 Health**

Date of Hearing: May 8, 2012

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 2134

Assembly Bill No. 2253

With the recommendation: Do pass.

MONNING, Chair

Above bills ordered to second reading.

**Committee on Housing and Community Development**

Date of Hearing: May 9, 2012

Mr. Speaker: Your Committee on Housing and Community Development reports:

Assembly Bill No. 2272

Assembly Bill No. 2308

Assembly Bill No. 2697

With the recommendation: Do pass.

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

TORRES, Chair

Above bills ordered to second reading.

**Committee on Natural Resources**

Date of Hearing: May 7, 2012

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Joint Resolution No. 35

With amendments with the recommendation: Amend, be adopted as amended, and be re-referred to the Committee on Appropriations.

CHESBRO, Chair

Above resolution ordered to second reading.

**Committee on Health**

Date of Hearing: May 8, 2012

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 2418

With the recommendation: Do pass, and be re-referred to the Committee on Local Government.

MONNING, Chair

Above bill re-referred to the Committee on Local Government.

Date of Hearing: May 8, 2012

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 1809

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

MONNING, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Utilities and Commerce**

Date of Hearing: May 7, 2012

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 2696

With the recommendation: Do pass.

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

BRADFORD, Chair

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: May 8, 2012

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 2282

With amendments with the recommendation: Amend, and do pass as amended.

FEUER, Chair

Above bill ordered to second reading.

Date of Hearing: May 8, 2012

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 2025

With the recommendation: Do pass, as amended.

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

FEUER, Chair

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: May 9, 2012

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1446	Assembly Bill No. 1817
Assembly Bill No. 1453	Assembly Bill No. 1915
Assembly Bill No. 1525	Assembly Bill No. 1939
Assembly Bill No. 1579	Assembly Bill No. 1965
Assembly Bill No. 1665	Assembly Bill No. 2020
Assembly Bill No. 1672	Assembly Bill No. 2082
Assembly Bill No. 1687	Assembly Bill No. 2169
Assembly Bill No. 1755	Assembly Bill No. 2201
Assembly Bill No. 1803	

With the recommendation: Do pass.

FUENTES, Chair

Above bills ordered to second reading.

Date of Hearing: May 9, 2012

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 2208	Assembly Bill No. 2369
Assembly Bill No. 2296	Assembly Bill No. 2399
Assembly Bill No. 2327	Assembly Bill No. 2561
Assembly Bill No. 2351	Assembly Bill No. 2580
Assembly Bill No. 2352	Assembly Bill No. 2609

With the recommendation: Do pass.

FUENTES, Chair

Above bills ordered to second reading.

Date of Hearing: May 9, 2012

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 2509	Assembly Bill No. 2624
Assembly Bill No. 2531	Assembly Bill No. 2657
Assembly Bill No. 2538	Assembly Bill No. 2663
Assembly Bill No. 2548	Assembly Bill No. 2666
Assembly Bill No. 2559	Assembly Bill No. 2679

With the recommendation: Do pass.

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

FUENTES, Chair

Above bills ordered to second reading.

Date of Hearing: May 9, 2012

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1509	Assembly Bill No. 2133
Assembly Bill No. 1578	Assembly Bill No. 2135
Assembly Bill No. 1733	Assembly Bill No. 2142
Assembly Bill No. 1739	Assembly Bill No. 2205
Assembly Bill No. 1806	Assembly Bill No. 2354
Assembly Bill No. 1892	Assembly Bill No. 2378
Assembly Bill No. 1930	Assembly Bill No. 2406
Assembly Bill No. 2053	

With the recommendation: Do pass.

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

FUENTES, Chair

Above bills ordered to second reading.



Date of Hearing: May 9, 2012

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1842

Assembly Bill No. 1919

With amendments with the recommendation: Amend, and do pass as amended.

FUENTES, Chair

Above bills ordered to second reading.

Date of Hearing: May 9, 2012

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1595

Assembly Bill No. 1928

With the recommendation: Do pass, as amended.

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

FUENTES, Chair

Above bills ordered to second reading.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bills Nos. 2684, 2356, 2521, 2410, and 2452, ordered to third reading.

Assembly Bills Nos. 2489 and 2502, ordered to the Consent Calendar.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1966**—An act to add Section 3205.7 to the Public Resources Code, relating to natural resources.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2075**—An act to repeal Section 25502.3 of the Public Resources Code, relating to energy.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2669**—An act to amend Sections 21080, 21080.5, 21080.23, 21080.24, 21083.05, 21084, 21091, 21092.6, 21094, 21151.1, 21159.9, and 21167.10 of, and to repeal Sections 21169, 21170, 21171, 21172, 21172.5, 21175, and 21176 of, the Public Resources Code, relating to environmental quality.

Bill read second time, and ordered to Consent Calendar.

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

Bill read second time; amendments proposed by the Committee on Insurance read and adopted; bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 2530**—An act to amend Section 6030 of, to add Section 3407 to, and to repeal Section 5007.7 of, the Penal Code, and to amend Sections 222 and 1774 of the Welfare and Institutions Code, relating to inmates.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 1963**—An act to relating to taxation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2263**—An act to amend Section 1203.4 of the Penal Code, relating to probation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2527**—An act to amend Section 1203.3 of the Penal Code, relating to probation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2543**—An act to add Section 3305.5 to the Government Code, relating to public safety.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1529**—An act to amend Section 25762 of the Business and Professions Code, to amend Sections 116,940 and 631.2 of, to amend the heading of Article 7 (commencing with Section 116.710) of Chapter 5.5 of Title 1 of Part 1 of, to add Section 116.798 to, and to repeal Section 631.1 of, the Code of Civil Procedure, to amend Section 56159 of the Education Code, to amend Sections 731, 752, 753, and 754 of the Evidence Code, to amend Sections 1814, 1820, 1834, 1838, 1850, 3025.5, 3170, 3173, 3188, 6303, 7553, and 7556 of the Family Code, to amend Sections 1750, 23249, 23332, 23535, 24350, 24351, 24353, 25252.6, 27080.1, 29320, 29370, 29370.1, 29371, 29372, 29373, 29374, 29375, 29376, 29377, 29379, 29603, 31116, and 68098 of, and to add Sections 68083 and 68083.5 to, the Government Code, and to amend Section 1306 of, and to add Section 1305.5 to, the Penal Code, relating to courts.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1971**—An act to amend Section 496a of, and to add Section 594.05 to, the Penal Code, relating to theft.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2385**—An act to amend Section 1203.016 of the Penal Code, relating to probation.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted; bill ordered reprinted and to be returned to the second reading file.

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

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1745**—An act to amend Section 2924f of the Civil Code, relating to mortgages.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2021**—An act to amend Section 7108.5 of the Business and Professions Code, and to amend Sections 8800, 8812, and 8814 of the Civil Code, relating to works of improvement.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2473**—An act to amend Sections 69922 and 69926 of the Government Code, relating to courts.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2685**—An act to amend Sections 6140 and 6141 of the Business and Professions Code, relating to attorneys.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 2476**—An act to amend Section 405 of the Military and Veterans Code, relating to military service.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2683**—An act to amend Sections 2204, 8100, and 9052 of the Probate Code, relating to probate.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2690**—An act to amend Section 43.99 of the Civil Code, to amend Section 1038 of the Code of Civil Procedure, to amend Sections 89307 and 89750.5 of the Education Code, to amend Sections 810, 54954.5, and 54956.9 of the Government Code, and to amend Section 28245 of the Penal Code, relating to governmental liability.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1953**—An act to amend Section 1962 of the Civil Code, relating to housing.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 2664**—An act to amend Section 31527 of, to add Sections 31540 and 31541 to, and to add Article 8.11 (commencing with Section 31699.20) to Chapter 3 of Part 3 of Division 4 of Title 3 of, the Government Code, relating to county employees retirement.

Bill read second time; amendments proposed by the Committee on Public Employees, Retirement and Social Security read and adopted; bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 2160**—An act to add Section 1241.2 to the Insurance Code, relating to insurance.

Bill read second time; amendments proposed by the Committee on Insurance read and adopted; bill ordered reprinted and to be returned to the second reading file.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 9, 2012

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

Assembly Concurrent Resolution No. 133

And reports the same correctly enrolled, and presented to the Secretary of State on the 9th day of May, 2012, at 12 p.m.

E. DOTSON WILSON, Chief Clerk

#### **ADJOURNMENT**

At 3:50 p.m., the Assembly adjourned until 9 a.m., Thursday, May 10, 2012.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 9, 2012**

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

<b>AB</b>	<b>RN</b>
1514	1211919
1747	1211945
1953	1212108
2097	1211827
2160	1211944
2385	1211877
2530	1212031
2616	1212038
2664	1211891

<b>SB</b>	<b>RN</b>
252	1211876
628	1212100
843	1212028

<b>Daily Total:</b>	<b>12</b>
<b>Cumulative Total:</b>	<b>3755</b>

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