

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 18, 2011
ELEVENTH SESSION DAY
FORTY-FOURTH 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
Tuesday, January 18, 2011

The Assembly met at 12 noon.

Hon. John A. Pérez, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Reading Clerk Russell C. Tomas 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, 12:01 p.m.

The Speaker directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

**At 12:04 p.m., Assistant Speaker pro Tempore Mike Gatto,
43rd District, presiding**

Quorum Present

At 12:05 p.m., Assistant Speaker pro Tempore Gatto declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—71:

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

PRAYER

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

Lord, Society teaches us that it is important to have a healthy self-image. What can happen however, is that a healthy self-image can turn into a sense of self-importance and self-centeredness. But, as long as we think of turning to You during the day, no matter what we may be doing, our heart can be filled with humility and our self-image can be strengthened by Your power and grace. Fill our minds, Lord, with thoughts of You today and bless us in Your goodness.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Gatto, Assembly Member Bradford 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 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 Hall, Logue, and Ma.

Because of illness: Assembly Members Davis and Furutani.

Because of illness, and waiving per diem: Assembly Member Halderman.

Because of jury duty: Assembly Member Portantino.

Due to a travel delay: Assembly Member Blumenfield.

EXPLANATIONS OF ABSENCE

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

January 18, 2011

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

Dear Speaker Pérez: I am writing to respectfully request to be excused from Session January 18, 2011, to attend to legislative business.

Thank you for your prompt attention to this matter.

Sincerely,

ISADORE HALL, III, Assembly Member
Fifty-second District

December 14, 2010

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 January 18th, as I have legislative business that will have me outside of the Capitol region. If you have any questions, please contact Stephanie Steele, 319-2003.

Thank you for your consideration of this request.

Sincerely,

DAN LOGUE, Assembly Member
Third District

January 12, 2011

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

Dear Speaker Pérez: I am respectfully requesting an excused absence from the Tuesday, January 18, 2011 and Wednesday, January 19, 2011 Assembly Sessions. I will be traveling to Washington, DC at the invitation of Vice President Joe Biden and Secretary of State Hillary Clinton to attend a luncheon on January 19, honoring His Excellency Hu Jintao, President of the People's Republic of China. I will be returning on the evening of January 19.

Should you have any questions, please feel free to contact Patty Schapiro in my office at 916-319-2511.

In Peace and Friendship,

FIONA MA, Assembly Member
Twelfth District

COMMUNICATIONS

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

January 18, 2011

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

Dear Mr. Wilson: Please be advised that the Assembly Committee on Rules met on January 18, 2011, and approved the Assembly Standing Committee Jurisdictions (11-0). The roll call and committee jurisdictions are enclosed.

Sincerely,

NANCY SKINNER, Chair
Assembly Rules Committee

**ASSEMBLY
STANDING COMMITTEE JURISDICTIONS**

Accountability and Administrative Review
 Aging and Long-Term Care
 Agriculture
 Appropriations
 Arts, Entertainment, Sports, Tourism, and Internet Media
 Banking and Finance
 Budget
 Business and Professions
 Education
 Elections and Redistricting
 Environmental Safety and Toxic Materials
 Governmental Organization
 Health
 Higher Education
 Housing and Community Development
 Human Services
 Insurance
 Jobs, Economic Development, and the Economy
 Judiciary
 Labor and Employment
 Local Government
 Natural Resources
 Public Employees, Retirement and Social Security
 Public Safety
 Revenue and Taxation
 Rules
 Transportation
 Utilities and Commerce
 Veterans Affairs
 Water, Parks and Wildlife

Accountability and Administrative Review
 Oversight

Aging and Long-Term Care
 Area Agencies on Aging
 Department of Aging
 Long-term care services
 Older Americans Act
 Older Californians Act
 Senior citizens advocacy activities
 Senior Legislature
 Services for seniors in residential and day settings
 State Commission on Aging

Agriculture

- Agriculture
- Agricultural chemicals
- Agricultural commodities and commissions
- Department of Food and Agriculture
- Department of Pesticide Regulation
- Economic poisons
- Expositions and fairs
- Food labeling
- Labeling of agricultural commodities
- Livestock and poultry
- Marketing law
- Milk and milk products
- Pest management and pesticides
- Veterinarians, agricultural issues

Appropriations

- Deficiency bills
- Fiscal bills
- General obligation bond acts
- Judgment and settlement bills
- Revenue bonds
- State mandated claims bills

Arts, Entertainment, Sports, Tourism, and Internet Media

- Arts
- Athletics, State Athletic Commission
- Entertainment
- Internet Media
- Motion picture industry
- Museums
- Tourism

Banking and Finance

- California Pollution Control Financing Authority
- Charitable and cooperative corporation law
- Consumer finance and credit reporting
- Corporate securities law
- Financial institutions
- Foreign banking
- Foreign investments in California financial institutions
- Formation of new corporate entities
- Franchises, except for arbitration of disputes between franchisor/
franchisee
- Industrial development bonds
- Insurance finance and lending practices
- Real property finance
- State investment practices

Budget

- Budget bill
- Current fiscal year appropriations for new projects
- Budget trailer bills which are not referred to a policy committee
- Bills which establish state budget policy and procedures

Business and Professions

- Administrative Procedure Act and Office of Administrative Law
- Charitable solicitation
- Consumer protection
- Creation of new regulatory agencies
- Department of General Services
- Governmental efficiency and cost control
- Licensing of health care professionals
- Occupational licensing
- Product labeling, except agricultural and medical
- Property acquisition, state and local
- Property acquisition law
- State governmental organization and reorganization
- State printing and binding contracts
- State procurement
- Sunsetting of boards and commissions
- Weights and measures
- Vocational education
- Veterinarians, licensing issues

Education

- Adult education
- Certificated employees of schools and teacher salaries
- Charter schools
- Leasing of school property
- K-12 education
- Pupil records
- School buses and crossing guards
- School facilities and finance

Elections and Redistricting

- California Political Reform Act
- Campaign finance
- Elections
- Redistricting

Environmental Safety and Toxic Materials

- Department of Pesticide Regulation
- Drinking water regulation, toxic contamination of water
- Emergency response relating to hazardous materials
- Hazardous waste regulation and remediation
- Pesticides: processed food and public health
- Proposition 65
- Regulation of consumer products containing toxic substances under the Sherman Food, Drug and Cosmetics Law
- Toxic air contaminants and indoor air quality
- Toxic substances and hazardous materials, except for workplace safety
- Underground storage tank regulation and cleanup

Governmental Organization

- Alcoholic Beverage Control
- Emergency services, excluding medical emergencies
- Fire safety, excluding residential building standards
- Gaming
- Horse racing
- Natural disasters
- Offices of the Governor, Lieutenant Governor, State Controller, and State Treasurer
- Open meetings laws as they affect state government
- Public records and Public Records Act
- State Fire Marshal
- State holidays, seals, and official acts
- State Lottery
- Tobacco products

Health

- Alcohol and drug abuse treatment
- Developmental disabilities
- Health care
- Licensing of health care facilities
- Mental health, except mentally disordered offenders
- Prescriptions
- Public health programs

Higher Education

- Academic research partnerships with the private sector
- Community college job training programs
- Postsecondary education, financial aid and campuses

Housing and Community Development

- Condominium conversions
- Discrimination in housing
- Housing rehabilitation
- Mobile homes
- Public finance of housing
- Redevelopment
- Rent control
- Residential building standards
- Structural fire safety
- Subdivision Map Act re: housing

Human Services

- Children's programs and services
- Foster care
- Licensing and regulation of community & child care facilities
- Public assistance (General Assistance, CalWORKs, and SSI/SSP)
- Services for developmentally disabled Californians
- Services for physically disabled Californians
- Department of Social Services programs

Insurance

- Disability insurance
- Insurance
- Insurance investment, excluding finance, lending and lending practices
- Unemployment compensation
- Vehicle financial responsibility
- Workers' compensation

Jobs, Economic Development, and the Economy

- Business advocacy within California and the United States
- Business advocacy of import/export trade
- California-Mexico relations
- California overseas trade offices
- Department of Information Technology
- Development and expansion of new technologies, except energy
- Development of international high-tech markets
- Economic disaster relief
- Economic impact reports
- Effect of balance of trade issues on California
- Enterprise Zones
- Expansion of overseas markets
- Foreign investments by California
- Foreign investments in California
- Impacts of federal budget on high-tech projects
- Impacts of federal budget on international trade
- Information technology
- Industrial innovation and research
- International capital, including capital formation
- International trade, research and import/export finance
- Interstate commerce
- Seaports and physical infrastructure
- Sister state agreements and friendship agreements with other nations
- Small business development and operations
- State and local economic development
- Women and minority business enterprises (WMBE)

Judiciary

- Administration of justice and court personnel
- Administrative procedure
- Adoptions
- Arbitration of disputes between franchisor/franchisee
- Civil Code
- Code of Civil Procedure
- Condemnation
- Confidentiality of court records
- Eminent domain
- Enforcement of judgements
- Evidence Code, excluding criminal procedure
- Family law
- Landlord/tenant relations
- Legal notices
- Liens
- Notary Public
- Probate Code
- Product liability
- Property acquisition (private property acquired by state agency)
- Public administration of estates
- State Bar
- Trade restraints
- Tort liability

Labor and Employment

- Agricultural Labor Relations Act
- Discrimination in employment
- Employment Development Department
- Unemployment insurance—length of coverage
- Workplace safety regulations and Cal-OSHA

Local Government

- Administration of special districts
- Benefit assessments, special taxes and local alternative revenue sources
- City and county organization and powers
- Joint exercise of powers
- Local agency formation commissions
- Municipal Improvement Acts of 1911, 1913, etc.
- Ralph M. Brown Act
- Subdivisions
- Uniform accounting and reporting procedures for local agencies

Natural Resources

- Beverage Container Recycling Act
- California Environmental Quality Act
- Coastal Act, Coastal Commission and Coastal Conservancy
- Coachella Valley Mountains Conservancy
- Department of Conservation programs
- Energy conservation, research, development, and demonstration and siting of power plants
- Forestry
- Harbors
- Lake Tahoe Conservancy
- Solid waste management, except hazardous substances
- Stationary source air pollution
- Natural Community Conservation Planning Act (land use planning)
- Oil Spill Prevention and Response Act
- San Francisco Bay Conservation and Development Commission
- Santa Monica Mountains Conservancy
- State lands
- Subdivision Map Act re: timber, coastal, agricultural land use
- Tidelands and submerged lands
- Vessel traffic management systems (VTMS)
- Wild and scenic rivers

Public Employees, Retirement and Social Security

- Classified school employees
- Judges Retirement Law
- Public employee collective bargaining
- Public retirement administration and investment strategy

Public Safety

- Asset forfeiture
- Controlled substances
- Crime victims and restitution
- Criminal procedure
- Driving under the influence
- Felony offenses and those misdemeanor violations not incidental to the subject of another committee
- Grand juries
- Impoundment of vehicles
- Inspection of stolen vehicles
- Juvenile law
- Peace officers
- Penal Code
- Qualifications of counsel in criminal matters
- Youth authority and prisons—construction and discipline

Revenue and Taxation

- All matters relating to taxation

Rules

Business of the Legislature

Transportation

California Highway Patrol

Drivers' licenses

Highways and airports

Mass transit systems

Mobile sources of air pollution

School bus safety and maintenance

Seaports and physical infrastructure

Transit authority

Transportation financing

Vehicles, aircraft, and vessels—operation, safety, equipment,
transfer of ownership, licensing and registration

Vehicle weight restrictions

Utilities and Commerce

Common carriers

Energy conservation, research, development, and demonstration and
siting of power plants

Expansion of overseas markets

Intrastate commerce

Public Utilities Commission, rate increases regulated by the PUC

Telecommunications

Trucking regulated by the PUC

Veterans Affairs

Cal-Vet loan program

Department of Veterans Affairs

National Guard

State military

Veterans

Water, Parks and Wildlife

Department of Water Resources

Drought relief

Fish and game

Flood control

Native plants

Natural Community Conservation Planning Act

Parks and recreation

State Historical Resources Commission

State Water Resources Control Board

Stream resource management

Water and water supply planning

Water rights and water banks

Wildlife

SPECIAL COMMITTEE MEETINGS

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

Joint Committee on Fisheries and Aquaculture, on Friday, January 21, 2011, at 10 a.m., in Humboldt County Board of Supervisors Chambers;

Joint Legislative Audit Committee, on Wednesday, February 16, 2011, at 9:30 a.m., in Room 126;

Budget Subcommittees 1, 2, 3, 4, 5, and 6, to convene hearings the weeks of January 24 through February 11 in the Regular Session to discuss the Governor’s budget proposal.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 18, 2011

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

Assembly Bill No. 1

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading file.

JOINT RULE 62(a) SUSPENDED

Assembly Member Calderon was granted unanimous consent that Joint Rule 62(a) be suspended to permit the Joint Committee on Fisheries and Aquaculture to meet on Friday, January 21, 2011.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
3 -----	Rls.
5 -----	Rls.
6 -----	Rls.

COMMITTEE MEETING ANNOUNCEMENTS

Assistant Speaker pro Tempore Gatto announced that the Committee on Higher Education would meet today, at 1:30 p.m., in Room 447.

ANNOUNCEMENTS

Assistant Speaker pro Tempore Gatto announced the following session schedule:

Wednesday, January 19, 2011, Check-in Session, 7 a.m.–3 p.m.;

Thursday, January 20, 2011, Floor Session, 10 a.m.

ADJOURN IN MEMORY

Assembly Members Calderon and Lara were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Cesar A. Calderon, Executive Director, Soledad Enrichment Action, resident of Los Angeles.

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 Frank C. Blair, Jr., D.D.S., Peggy Reep, and Floyd Rhea of Long Beach.

MOTION TO ADJOURN

At 12:10 p.m., Assembly Member Hagman moved that the Assembly do now adjourn.

Assembly Member Calderon seconded the motion.

Motion carried.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 149—Lara. An act to amend Sections 19131 and 19132 of the Government Code, relating to civil service.

ASSEMBLY BILL NO. 150—Perea. An act to add Section 14838.8 to the Government Code, relating to public contracts.

ASSEMBLY BILL NO. 151—Monning. An act to amend Sections 1358.11 and 1358.12 of the Health and Safety Code, and to amend Sections 10192.11 and 10192.12 of the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 152—Fuentes. An act to add Section 131057.5 to the Health and Safety Code, and to amend Section 18853 of, and to add Sections 17053.88 and 23688 to, the Revenue and Taxation Code, relating to food banks.

ASSEMBLY BILL NO. 153—Skinner. An act to amend Section 6203 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 154—Beall. An act to add Section 22856 to the Government Code, to add Section 1374.74 to the Health and Safety Code, and to add Section 10144.8 to the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 155—Charles Calderon. An act to amend Sections 6203 and 7055 of, and to add Section 6208 to, the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 156—Lara. An act to amend Section 19902 of the Business and Professions Code, relating to gaming.

**REPORTS OF STANDING COMMITTEES
Committee on Rules**

Date of Hearing: January 18, 2011

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 3

Assembly Concurrent Resolution No. 5

Assembly Concurrent Resolution No. 6

With the recommendation: Be adopted.

SKINNER, Chair

Above resolutions ordered to third reading.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Calderon, the Assembly adjourned until 7 a.m., Wednesday, January 19, 2011, out of respect to the memory of Cesar A. Calderon on motion of Assembly Members Calderon and Lara, and out of respect to the memory of Frank C. Blair, Jr., D.D.S., Peggy Reep, and Floyd Rhea on motion of Assembly Member Lowenthal.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk