

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 3, 2011

TWENTY-FIRST SESSION DAY

SIXTIETH 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, February 3, 2011

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 Yamada 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 9:10 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—77:

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

PRAYER

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

Lord, Love is the greatest thing; and it is all that will last into eternity. Help us to establish ourselves in love by choosing to be patient and kind, not seeking our own way, not being jealous or boastful. Lord, when we choose love instead of our own way, we show the world that You are first in our life.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Alejo 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 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 Member Hall.

Because of illness in his family: Assembly Member Norby.

(NOTE: For letter explaining the absence of Assembly Member Hall on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Journal for February 2, 2011.)

REQUEST FOR PHOTOGRAPHER

Assembly Members Campos, Furutani, and Pan were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

COMMUNICATIONS

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

February 3, 2011

E. Dotson Wilson

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

Dear Dotson: Please be advised that I have appointed the following membership to the Select Committee on Alcohol and Drug Abuse for the 2011–12 Regular Session:

Assemblymember Jim Beall, Jr., Chair
Assemblymember Tom Ammiano
Assemblymember Charles Calderon
Assemblymember Nathan Fletcher
Assemblymember Fiona Ma
Assemblymember Nancy Skinner

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

February 3, 2011

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

Dear Dotson: Please be advised that I have appointed the following membership to the Select Committee on Domestic Violence for the 2011–12 Regular Session:

Assemblymember Fiona Ma, Chair
 Assemblymember Bill Berryhill
 Assemblymember Susan Bonilla
 Assemblymember Betsy Butler
 Assemblymember Nathan Fletcher
 Assemblymember Ricardo Lara
 Assemblymember Jeff Miller
 Assemblymember Holly Mitchell
 Assemblymember Richard Pan
 Assemblymember Norma Torres

Sincerely,

JOHN A. PÉREZ
 Speaker of the Assembly

February 3, 2011

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

Dear Dotson: Please be advised that the Select Committee on Dual Immersion Programs has been eliminated.

Sincerely,

JOHN A. PÉREZ
 Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Housing and Community Development, to convene jointly with the Senate Committee on Transportation and Housing on Tuesday, February 15, 2011, at 1:30 p.m., in Room 4203.

Select Committee on Alcohol and Drug Abuse on Thursday, February 10, 2011, at 3 p.m., at the Center for Healthy Communities in Los Angeles.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 3, 2011

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

Assembly Bill No. 57

Assembly Bill No. 65

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, February 3, 2011

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

Assembly Concurrent Resolution No. 9

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution 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>
27	Budget
130	Higher Ed.
131	Higher Ed.
132	L. & E.
133	Trans.
134	W.,P. & W.
135	Nat. Res.
137	Health
138	Aging & L.T.C.
139	Appr.
140	Appr.
141	Jud.
142	Pub. S.
143	Ed. and Jud.
144	Pub. S.
145	Trans.
146	Nat. Res.
147	L. Gov.
148	L. Gov.
149	P.E.,R. & S.S.
151	Health
152	Health and Rev. & Tax.
153	Rev. & Tax.
154	Health
155	Rev. & Tax.
156	G.O.
158	Jud.
159	Hum. S.
160	Higher Ed. and Ed.
161	Pub. S.
164	Health
165	Ed.
166	Rev. & Tax.
167	Pub. S. and V.A.
169	Ed.
171	Health
172	B.,P. & C.P.
173	Jud.
175	Pub. S.
176	Higher Ed.
177	Pub. S.
178	Pub. S.

179 ----- Pub. S.
 180 ----- Ed.
 181 ----- Hum. S.
 182 ----- E. & R.

Assembly Concurrent

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

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

ASSEMBLY CONCURRENT RESOLUTION NO. 8 (Butler)—Relative to American Heart Month and Wear Red Day.

Resolution read.

**Members Made Coauthors of
 Assembly Concurrent Resolution No. 8**

Assembly Member Butler was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 8.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Butler was granted unanimous consent to take up Assembly Concurrent Resolution No. 8, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 8, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 8—Relative to American Heart Month and Wear Red Day.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

RECESS

By unanimous consent, at 9:18 a.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Campos recognized members and volunteers from the American Heart Association and the Sutter Heart and Vascular Institute for their efforts to raise awareness of the importance of the ongoing fight against heart disease and stroke.

Assembly Member Campos presented a Members' Resolution designating the month of February as "American Heart Month" in California and February 4, 2011 as "Wear Red Day".

* * *

Assembly Member Furutani introduced Kathryn Korematsu, wife of Fred Korematsu, and their daughter Karen Korematsu with husband Donald Haigh.

Assembly Members Furutani, Block, Yamada, and Cedillo recognized the Korematsu family and presented a Members' Resolution marking the occasion of the first annual Fred Korematsu Day of Civil Liberties.

RECONVENED

At 9:31 a.m., the Assembly reconvened.

Hon. Fiona Ma, Speaker pro Tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

ASSEMBLY CONCURRENT RESOLUTION NO. 11 (Pan)—Relative to the Lunar New Year 4709 celebration.

Resolution read.

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

Assembly Member Pan was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 11.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Pan 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 the Lunar New Year 4709 celebration.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

Special Presentation

Assembly Member Pan, on behalf of the Asian Pacific Islander Legislative Caucus, presented Speaker Pérez with a traditional painting to mark the Lunar New Year.

ADJOURN IN MEMORY

Assembly Member Alejo was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ann Soldo of Watsonville.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Garrick was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Claudia Ackors Shillito of Solana Beach.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Hagman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of the Honorable Wayne Grisham, former Member of the Assembly and United States Representative, resident of La Mirada.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Furutani was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Helen Summers Brown of Hermosa Beach.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Speaker pro Tempore Ma announced the following session schedule:
Friday, February 4, 2011, No session;
Monday, February 7, 2011, Floor Session, 12 noon.

ADJOURN IN MEMORY

Assembly Member Berryhill was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Juliani Cardenas of Patterson.

Assembly Member Bonilla was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jess Reyes of Pittsburg.

Assembly Member Dickinson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Victor Kaleo Bright and Randall Miguel Schaber of Sacramento.

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 Henry “Hank” George Golt and Stella Guerra of Long Beach, and Mildred Marx of Palos Verdes Estates.

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 Leonidas “Lon” Doty of Fremont.

Assembly Members Brownley and Gatto were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Shari Gamson of Encino.

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 Kent Hauge of Santa Rosa.

CAUCUS ANNOUNCEMENTS

Speaker pro Tempore Ma announced that the Republican Caucus would meet in the Tom Bane Rules Committee Room, upon adjournment of Floor Session.

MOTION TO ADJOURN

At 9:43 a.m., Assembly Member Calderon moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:43 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. 234—Wieckowski. An act relating to public health.

ASSEMBLY BILL NO. 235—Halderman. An act to amend Section 6268 of the Government Code, relating to public records.

ASSEMBLY BILL NO. 236—Swanson. An act to repeal and amend Sections 17053.80 and 23623 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 237—Galgiani. An act to add Section 111821 to the Health and Safety Code, relating to cosmetics.

ASSEMBLY BILL NO. 238—Huber. An act to amend Section 2031.240 of the Code of Civil Procedure, relating to discovery.

ASSEMBLY BILL NO. 239—Ammiano. An act to amend Section 11062 of the Penal Code, relating to law enforcement.

ASSEMBLY BILL NO. 240—Bonilla. An act to amend Sections 98 and 1194.2 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 241—Hall. An act to amend Sections 19962 and 19963 of the Business and Professions Code, relating to gambling.

ASSEMBLY BILL NO. 242—Committee on Revenue and Taxation (Assembly Members Perea (Chair), Beall, Charles Calderon, Fuentes, and Gordon). An act to amend Section 17220 of, and to add Sections 17131.10, 17131.11, 17131.12, 17131.13, 17131.14, 17134.1, and 24343.6 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 243—Alejo. An act to amend Section 226 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 244—Perea. An act to amend Section 64 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 245—Portantino. An act to add Section 8262.3 to the Education Code, relating to child care.

ASSEMBLY BILL NO. 246—Wieckowski. An act to amend Sections 13223, 13350, 13361, 13385, and 13386 of the Water Code, relating to water quality.

ASSEMBLY BILL NO. 247—Perea. An act to amend Section 5096 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 248—Perea. An act to add Chapter 13.5 (commencing with Section 93000) to Part 57 of Division 9 of Title 3 of the Education Code, relating to research facilities.

ASSEMBLY BILL NO. 249—Bill Berryhill. An act to amend Section 7031 of the Business and Professions Code, relating to contractors.

ASSEMBLY BILL NO. 250—Brownley. An act to amend Sections 60204 and 60601 of, to add Sections 60200.8, 60207, 60208, and 60640.1 to, and to repeal Section 60200.1 of, the Education Code, relating to instructional materials.

ASSEMBLY BILL NO. 251—Fuentes. An act to add Section 52372.6 to, and to add and repeal Section 46308 of, the Education Code, relating to high schools.

ASSEMBLY BILL NO. 252—Charles Calderon. An act to amend Section 25600.5 of the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 253—Smyth. An act to amend Section 53891 of, and to add Section 53891.2 to, the Government Code, relating to local agencies.

ASSEMBLY BILL NO. 254—Beall. An act to amend Section 4646.5 of, and to add Section 4869 to, the Welfare and Institutions Code, relating to developmental services.

ASSEMBLY BILL NO. 255—Wieckowski. An act to amend Section 25217.2 of the Health and Safety Code, relating to hazardous waste.

ASSEMBLY BILL NO. 256—Nestande. An act to amend Sections 2079 and 2082 of the Health and Safety Code, relating to vector control.

ASSEMBLY BILL NO. 257—Galgiani. An act relating to inmate release.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 4—Miller. Relative to the Transportation Infrastructure Finance and Innovation Act.

AUTHOR'S AMENDMENTS

Committee on Revenue and Taxation

February 3, 2011

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 50

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

PEREA, Chair

ASSEMBLY BILL NO. 50—An act to add Sections 17131.3 and 18154 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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: February 3, 2011

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 36

With the recommendation: That the bill be re-referred to the Committee on Revenue and Taxation.

SKINNER, Chair

Above bill re-referred to the Committee on Revenue and Taxation.

Date of Hearing: February 3, 2011

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 4

Assembly Concurrent Resolution No. 9

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 12 noon, Monday, February 7, 2011, out of respect to the memory of Ann Soldo on motion of Assembly Member Alejo; out of respect to the memory of Claudia Ackors Shillito on motion of Assembly Member Garrick; out of respect to the memory of the Honorable Wayne Grisham on motion of Assembly Member Hagman; out of respect to the memory of Helen Summers Brown on motion of Assembly Member Furutani; out of respect to the memory of Juliani Cardenas on motion of Assembly Member Berryhill; out of respect to the memory of Jess Reyes on motion of Assembly Member Bonilla; out of respect to the memory of Victor Kaleo Bright and Randall Miguel Schaber on motion of Assembly Member Dickinson; out of respect to the memory of Henry “Hank” George Golt, Stella Guerra, and Mildred Marx on motion of Assembly Member Lowenthal; out of respect to the memory of Leonidas “Lon” Doty on motion of Assembly Member Wieckowski; out of respect to the memory of Shari Gamson on motion of Assembly Members Brownley and Gatto; and out of respect to the memory of Kent Hauge on motion of Assembly Member V. Manuel Pérez.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 3, 2011**

The following measure was amended in the Assembly on this day:

AB RN

50 1107978

Daily Total: 1

Cumulative Total: 10

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