

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, February 7, 2011**

**TWENTY-SECOND SESSION DAY**

**SIXTY-FOURTH 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  
Monday, February 7, 2011

The Assembly met at 12 noon.

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, 12 noon.

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

#### Quorum Present

At 12:04 p.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	Conway	Harkey	Norby
Alejo	Cook	Hayashi	Olsen
Allen	Davis	Hernández	Pan
Ammiano	Dickinson	Hill	Perea
Atkins	Donnelly	Huber	Pérez, V. Manuel
Beall	Eng	Hueso	Portantino
Berryhill	Feuer	Huffman	Skinner
Block	Fletcher	Jeffries	Smyth
Blumenfield	Fong	Jones	Solorio
Bonilla	Fuentes	Knight	Swanson
Bradford	Furutani	Logue	Torres
Brownley	Galgiani	Lowenthal	Valadao
Buchanan	Garrick	Ma	Wagner
Butler	Gatto	Mendoza	Wieckowski
Calderon	Gordon	Miller	Williams
Campos	Gorell	Mitchell	Yamada
Carter	Grove	Monning	Mr. Speaker
Cedillo	Hagman	Morrell	
Chesbro	Halderman	Nielsen	

**PRAYER**

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

*Lord, When we face challenges, we tend to focus on them so much that our thoughts become consumed with them. Yet, in order to find peace within ourselves we need to stop and ask, "What am I thinking about?" Help us to focus our mind in the right direction, Lord, when faced with life's daily problems. Direct our steps and guide us to thoughts of You, for You will lead us to the path of peace and will make the rough places into level ground (Isaiah 42:16).—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Ma, Assembly Member Halderman 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:

*Because of illness: Assembly Members Lara and Nestande.*

*Because of a travel delay: Assembly Members Hall, Mansoor, and Silva.*

**SPECIAL COMMITTEE MEETINGS**

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

Elections and Redistricting, to convene jointly with the Senate Committee on Elections and Constitutional Amendments on Tuesday, February 15, 2011, at 1:30 p.m.

Public Employees, Retirement and Social Security, to convene jointly with the Senate committee on Public Employment and Retirement on Wednesday, March 2, 2011, at 9 a.m., in Room 444.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, February 7, 2011

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

Assembly Concurrent Resolution No. 4

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, February 7, 2011

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

Assembly Concurrent Resolution No. 8

Assembly Concurrent Resolution No. 11

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

Assembly Chamber, February 7, 2011

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 50

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

#### **REQUEST FOR PHOTOGRAPHER**

Assembly Member Alejo was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

#### **BILLS PLACED ON INACTIVE FILE**

The following bill was placed upon the inactive file:

Assembly Bill No. 1, on request of Assembly Member John A. Pérez.

Bill ordered transmitted to the Senate.

#### **CONSIDERATION OF DAILY FILE**

##### **THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY CONCURRENT RESOLUTION NO. 9 (Garrick)**—Relative to Centennial Ronald Reagan Day.

Resolution read.

##### **Members Made Coauthors of Assembly Concurrent Resolution No. 9**

Assembly Member Garrick was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 9.

#### **Roll Call**

The following Assembly Members indicated a desire to become coauthors:

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

#### **Request for Unanimous Consent**

Assembly Member Garrick was granted unanimous consent to take up Assembly Concurrent Resolution No. 9, as amended, without reference to print or file, and that the same be considered engrossed.

##### **Consideration of Assembly Concurrent Resolution No. 9, as Amended**

**ASSEMBLY CONCURRENT RESOLUTION NO. 9**—Relative to Centennial Ronald Reagan Day.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

**ANNOUNCEMENTS**

Speaker pro Tempore Ma announced the following session schedule:  
Tuesday, February 8, 2011, Check-in Session, 7 a.m.–3 p.m.;  
Wednesday, February 9, 2011, Check-in Session, 7 a.m.–3 p.m.;  
Thursday, February 10, 2011, Floor Session, 9 a.m.;  
Friday, February 11, 2011, No session.

**ADJOURN IN MEMORY**

Assembly Member Feuer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Liebert of Monterey.

(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 Roosevelt “Ross” Lucio Adolfo Fernandes of Chino Hills.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Pan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sam LaCara, Principal of Louisiana Schnell Elementary School, resident of Carmichael.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

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 Specialist Martin J. LaMar, United States Army, resident of Sacramento.

Assembly Member Knight was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pamela Foley Halkyard of Palmdale.

Assembly Member Buchanan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Donald D. Doyle, former Member of the Assembly, resident of Oakland.

**MOTION TO ADJOURN**

At 12:32 p.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 12:32 p.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. 258—Hagman (Coauthors: Atkins, Halderman, Mansoor, Perea, and Smyth).** An act to amend Section 121690 of the Health and Safety Code, relating to rabies.

**ASSEMBLY BILL NO. 259—Smyth.** An act to amend Section 27701 of the Government Code, relating to a county public defender.

**ASSEMBLY BILL NO. 260—Cedillo.** An act to amend Section 15001 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 261—Dickinson.** An act to amend Sections 3712 and 3725 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 262—Harkey.** An act to amend Section 13200 of the Water Code, relating to the California regional water quality control boards.

**ASSEMBLY BILL NO. 263—Buchanan.** An act relating to school facilities.

**ASSEMBLY BILL NO. 264—Hagman.** An act to add Section 34251 to the Health and Safety Code, relating to transitional housing.

**ASSEMBLY BILL NO. 265 —Ammiano.** An act to amend Section 1161 of the Code of Civil Procedure, relating to tenancies.

**ASSEMBLY BILL NO. 266—Ammiano.** An act relating to state government.

**ASSEMBLY BILL NO. 267—Swanson.** An act to add Section 924 to the Labor Code, relating to employment.

**ASSEMBLY BILL NO. 268—Smyth.** An act to amend Section 33080 of the Education Code, relating to education.

**ASSEMBLY BILL NO. 269—Ma.** An act relating to pupil health and safety.

**ASSEMBLY BILL NO. 270—Perea.** An act to amend Section 19522 of the Business and Professions Code, relating to satellite wagering.

**ASSEMBLY BILL NO. 271—Nestande.** An act to amend Section 904.1 of the Code of Civil Procedure, relating to appeals.

**ASSEMBLY BILL NO. 272—Monning.** An act to amend Section 12923.5 of, and to repeal Sections 12693.925 and 12693.95 of, the Insurance Code, and to amend Section 14148.8 of the Welfare and Institutions Code, relating to health care coverage.

**ASSEMBLY BILL NO. 273—Valadao (Coauthors: Jones and Logue).** An act to amend Section 11357 of the Government Code, relating to regulations.

**ASSEMBLY BILL NO. 274—Garrick.** An act to amend Sections 1030, 1327, and 1328 of the Unemployment Insurance Code, relating to unemployment insurance.

**ASSEMBLY BILL NO. 275—Solario.** An act to amend Section 7027.5 of the Business and Professions Code, and to add Part 2.4 (commencing with Section 10570) to Division 6 of the Water Code, relating to water.

**ASSEMBLY BILL NO. 276—Alejo.** An act to amend Sections 12463, 53890 and 53895, of, and to repeal Sections 53892.1, 53895.5, and 53895.7 of, the Government Code, relating to local government.

**ASSEMBLY BILL NO. 277—Galgiani.** An act to add Section 318 to the Public Utilities Code, relating to the Public Utilities Commission.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 16—Eng.** Relative to a Day of Remembrance.

**HOUSE RESOLUTION NO. 5—Nestande.** Relative to Assembly Rule 49.

**INTRODUCTION OF GUESTS**

Assembly Member Alejo, of the 28th Assembly District, introduced Marty Ackerman, Watsonville Redevelopment Director, and Hon. Daniel Dodge, Mayor of Watsonville.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Calderon, the Assembly adjourned until 7 a.m., Tuesday, February 8, 2011, out of respect to the memory of John Liebert on motion of Assembly Member Feuer; out of respect to the memory of Roosevelt “Ross” Lucio Adolfo Fernandes on motion of Assembly Member Hagman; out of respect to the memory of Sam LaCara on motion of Assembly Member Pan; out of respect to the memory of Specialist Martin J. LaMar, United States Army, on motion of Assembly Member Dickinson; out of respect to the memory of Pamela Foley Halkyard on motion of Assembly Member Knight; and out of respect to the memory of Hon. Donald D. Doyle on motion of Assembly Member Buchanan.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

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