

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 10, 2011**  
**TWENTY-FIFTH SESSION DAY**  
**SIXTY-SEVENTH 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

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Thursday, February 10, 2011

The Assembly met at 9 a.m.  
Hon. Mike Gatto, Assistant 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 Donnelly moved a quorum call of the Assembly. Motion carried. Time, 9 a.m.  
The Assistant 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., Assistant Speaker pro Tempore Gatto declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—74:

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

**PRAYER**

Upon invitation of Assistant Speaker pro Tempore Gatto, the following prayer was offered by Assembly Member Das Williams, of the 35th Assembly District:

*Father,* For this new day with its promise and potential, we thank You. May our part in this day be full of meaning and hope for others. May our efforts and our words be characterized by kindness and give expression to the good will and truth that is within us. May they also be the key which unlocks the good and truth in others.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Assistant Speaker pro Tempore Gatto, 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:

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

*Because of illness: Assembly Member Carter.*

*Because of illness in their families: Assembly Members Mitchell and V. Manuel Pérez.*

**COMMUNICATIONS**

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

February 10, 2011

*E. Dotson Wilson*

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

Dear Dotson: Please be advised that I have appointed Assemblymember Kristin Olsen to replace Assemblymember Mike Morrell on the Joint Sunset Review Committee for the remainder of the 2011–12 Regular Session.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 10, 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 Members to the Joint Committee on Fairs, Allocation and Classification for the 2011–12 Regular Session:

Assemblymember Katcho Achadjian  
Assemblymember Roger Dickinson  
Assemblymember Cathleen Galgiani  
Assemblymember Shannon Grove  
Assemblymember Isadore Hall  
Assemblymember Fiona Ma  
Assemblymember Norma Torres

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 10, 2011

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

Dear Dotson: Please be advised that I have appointed Assemblymember Wilmer Amina Carter to replace Assemblymember Charles Calderon on the Assembly Arts, Entertainment, Sports, Tourism and Internet Media Committee for the remainder of the 2011–12 Regular Session.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 10, 2011

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

RE: Appointment of Diana Pérez  
to Off-Highway Motor Vehicle Recreation Commission

Dear Mr. Wilson: Please be advised I have appointed Ms. Diana Pérez to the Off-Highway Motor Vehicle Recreation Commission. This is a term appointment starting February 10, 2011 and the expiration date is January 15, 2012.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 10, 2011

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

RE: Appointment of Breene Kerr  
to Off-Highway Motor Vehicle Recreation Commission

Dear Mr. Wilson: Please be advised I have appointed Mr. Breene Kerr to the Off-Highway Motor Vehicle Recreation Commission. This is a term appointment starting February 10, 2011 and the expiration date is January 15, 2014.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 10, 2011

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

RE: Appointment of Steven Bradford  
to California Broadband Council

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Steven Bradford to the California Broadband Council. This is a pleasure appointment starting February 10, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 10, 2011

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

RE: Appointment of Mike Davis  
to Criminal and Traffic-Related  
Court-Ordered Debts Task Force

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Mike Davis to the Criminal and Traffic-Related Court-Ordered Debts Task Force. This is a pleasure appointment starting February 10, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 10, 2011

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

RE: Appointment of Bruce Reznik  
to California Coastal Commission

Dear Mr. Wilson: Please be advised I have confirmed Mr. Bruce Reznik as an alternate to the California Coastal Commission. This is a pleasure appointment starting February 10, 2011. Mr. Reznik will serve as the alternate for Commissioner Esther Sanchez.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 10, 2011

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

RE: Appointment of Effie Turnbull  
to Santa Monica Mountains  
Conservancy Advisory Committee

Dear Mr. Wilson: Please be advised I have appointed Ms. Effie Turnbull to the Santa Monica Mountains Conservancy Advisory Committee. This is a pleasure appointment starting February 10, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 10, 2011

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

RE: Appointment of Tom Ammiano  
to California Council on Criminal Justice

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Tom Ammiano to the California Council on Criminal Justice. This is a pleasure appointment starting February 10, 2011. Assemblymember Ammiano will be replacing Assemblymember Jerry Hill.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 10, 2011

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

RE: Appointment of Bonnie Lowenthal  
to California Cultural and Historical Endowment

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Bonnie Lowenthal to the California Cultural and Historical Endowment. This is a pleasure appointment starting February 10, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 10, 2011

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

RE: Appointment of Jaison Chand  
to Commission on Emergency Medical Services

Dear Mr. Wilson: Please be advised I have appointed Mr. Jaison Chand to the Commission on Emergency Medical Services. This is a term appointment starting February 10, 2011 and the expiration date is January 1, 2012. Mr. Chand will be replacing Mr. Louis Meyer.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Budget Subcommittee No. 5 on Public Safety to convene jointly with the Joint Legislative Audit Committee on Tuesday, February 15, 2011, at 10 a.m., in Room 4202.

**REFERENCE OF BILLS TO COMMITTEE**

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

<i>Assembly Bill No.</i>	<i>Committee</i>
<b>22</b> -----	Jud. and L. & E.
<b>31</b> -----	L. Gov. and Trans.
<b>45</b> -----	U. & C.
<b>78</b> -----	Jud. and E. & R.
<b>80</b> -----	E. & R.
<b>150</b> -----	B.,P. & C.P.
<b>163</b> -----	Nat. Res.
<b>183</b> -----	G.O.
<b>185</b> -----	Health
<b>188</b> -----	Rev. & Tax.

189	-----	Ed.
190	-----	Pub. S.
191	-----	L. Gov.
192	-----	Rev. & Tax. and Pub. S.
193	-----	E. & R.
194	-----	Higher Ed.
195	-----	P.E.,R. & S.S.
196	-----	L. & E. and Jud.
197	-----	L. & E.
200	-----	Ed.
201	-----	Pub. S.
204	-----	Rev. & Tax.
205	-----	Rev. & Tax.
206	-----	Nat. Res.
207	-----	Ed.
211	-----	Ins.
212	-----	Hum. S. and Jud.
214	-----	B.,P. & C.P.
216	-----	Higher Ed.
218	-----	Rev. & Tax.
219	-----	Pub. S.
221	-----	H. & C.D.
222	-----	Agri.
224	-----	Ed.
225	-----	Jud.
226	-----	Ins.
227	-----	Ed.
228	-----	Ins.
229	-----	B.,P. & C.P.
231	-----	J., E.D. & E. and Rev. & Tax.
232	-----	J., E.D. & E.
233	-----	Rev. & Tax.

*Assembly Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
10	----- Rls.
12	----- Rls.
13	----- Rls.
15	----- Trans.
16	----- Rls.

*Assembly Joint*

<i>Resolution No.</i>	<i>Committee</i>
1	----- Pub. S. and Appr.

*House*

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

**REQUEST FOR PHOTOGRAPHER**

Speaker Pérez was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.



**RECESS**

By unanimous consent, at 9:08 a.m., Assistant Speaker pro Tempore Gatto declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Hueso introduced Peter Manzo, Co-Chair of California 2-1-1 and President and CEO of United Way of California; Nancy Findeisen, Co-Chair of California 2-1-1 and President and CEO of Community Services Planning Council; and Lilian Paola Coral, Program Manager of California 2-1-1, Los Angeles.

Assembly Member Hueso presented a Members' Resolution in recognition of the human service information and referral services offered throughout California through the 2-1-1 system.

Assembly Member Hueso was joined by Assembly Member Yamada in commending today's guests for their service to the state.

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Assistant Speaker pro Tempore Gatto introduced veterans and guests from AMVETS, American Legion, California Association of County Veterans Service Officers, Military Officers of America Association, Reserve Officers Association, Veterans of Foreign Wars, and Vietnam Veterans of America.

**RECONVENED**

At 9:15 a.m., the Assembly reconvened.

Hon. Mike Gatto, Assistant Speaker pro Tempore of the Assembly, presiding.

**ANNOUNCEMENTS**

Assistant Speaker pro Tempore Gatto announced the following session schedule:

Friday, February 11, 2011, No Session;

Monday, February 14, 2011, Floor Session, 12 noon;

Tuesday, February 15, 2011, Check-in Session, 7 a.m.–3 p.m.;

Wednesday, February 16, 2011, Check-in Session, 7 a.m.–3 p.m.;

Thursday, February 17, 2011, Check-in Session, 7 a.m.–3 p.m.;

Friday, February 18, 2011, Floor Session, 9 a.m.

**ADJOURN IN MEMORY**

Assembly Members Nielsen, Dickinson, and Calderon were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James L. Frayne of Sacramento.

(Assembly Rule 45.5 suspended.)

**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 William "Fred" Woods of Modesto.

Assembly Member Bradford was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Nelma Mitchell of Gardena.

**ANNOUNCEMENTS**

Assistant Speaker pro Tempore Gatto announced that the panoramic photos for the *California State Assembly* publication would be taken in the Assembly Chamber on Monday, February 14, 2011.

**MOTION TO ADJOURN**

At 9:25 a.m., Assembly Member Feuer moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 9:25 a.m., Assistant Speaker pro Tempore Gatto 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. 323—Mitchell.** An act to amend Section 50 of the Education Code, relating to public schools.

**ASSEMBLY BILL NO. 324—Buchanan.** An act to add Section 15817.5 to the Government Code, relating to state buildings.

**ASSEMBLY BILL NO. 325—Bonnie Lowenthal (Coauthor: Monning).** An act to add Section 230.5 to the Labor Code, relating to employee rights.

**ASSEMBLY BILL NO. 326—Cedillo.** An act to amend Section 350 of the Penal Code, relating to counterfeit marks.

**ASSEMBLY BILL NO. 327—Davis.** An act to amend Section 25210.7 of the Health and Safety Code, relating to hazardous waste.

**ASSEMBLY BILL NO. 328—Smyth.** An act to amend Section 998 of, and to add Chapter 3.4 (commencing with Section 1000) to Title 14 of Part 2 of, the Code of Civil Procedure, relating to inverse condemnation.

**ASSEMBLY BILL NO. 329—Dickinson.** An act to add Section 31485.18 to the Government Code, relating to county employees' retirement, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 330—Norby.** An act to amend Section 33080.2 of, and to add Sections 33080.9, 33080.10, 33080.11, and 33080.12 to, the Health and Safety Code, relating to redevelopment.

**ASSEMBLY BILL NO. 331—Brownley.** An act to amend Sections 17070.20, 17070.95, 17070.955, 17071.75, 17072.32, 17074.15, 17074.16, 17074.26, and 17076.10 of the Education Code, and to amend Section 15490 of the Government Code, relating to school facilities.

**ASSEMBLY BILL NO. 332—Butler.** An act to amend Section 368 of the Penal Code, relating to elder abuse.

**ASSEMBLY BILL NO. 333—Grove.** An act to add Section 38598.5 to the Health and Safety Code, relating to air pollution.

**ASSEMBLY BILL NO. 334—Bonnie Lowenthal and Furutani.** An act to amend Section 1064 of the Government Code, relating to community college board members.

**ASSEMBLY BILL NO. 335—Solorio.** An act to amend Sections 138.4, 3550, 4060, 4061, 4658.5, and 5401 of the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 336—Dickinson.** An act to add Section 22343 to the Financial Code, relating to loans.

**ASSEMBLY BILL NO. 337—Monning.** An act to amend Section 35617 of the Public Resources Code, relating to ocean resources.

**ASSEMBLY BILL NO. 338—Wagner.** An act to amend Sections 11343.4 and 11349.3 of, and to add Section 11349.35 to, the Government Code, relating to regulations.

**ASSEMBLY BILL NO. 339—Bonilla.** An act to amend Section 35239 of the Education Code, relating to school districts.

**ASSEMBLY BILL NO. 340—Furutani.** An act to add Section 31680.9 to the Government Code, relating to county employees' retirement.

**ASSEMBLY BILL NO. 341—Chesbro.** An act to amend Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, to add Sections 41734.5 and 41780.01 to, and to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, the Public Resources Code, relating to solid waste.

**ASSEMBLY BILL NO. 342—Atkins.** An act to add Section 65040.14 to Government Code, relating to the Office of Planning and Research.

**ASSEMBLY BILL NO. 343—Atkins.** An act to add Section 33330.5 to the Health and Safety Code, relating to redevelopment.

**ASSEMBLY BILL NO. 344—Furutani.** An act to amend Section 21221 of the Government Code, relating to public employees' retirement.

**ASSEMBLY BILL NO. 345—Atkins.** An act to amend Section 21400 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 346—Atkins.** An act to add Section 12289 to the Elections Code, relating to polling places.

**ASSEMBLY BILL NO. 347—Galgiani.** An act to amend Section 399.20 of the Public Utilities Code, relating to energy.

**ASSEMBLY BILL NO. 348—Buchanan.** An act to amend Section 97 of the Streets and Highways Code, relating to highways.

**ASSEMBLY BILL NO. 349—Chesbro (Coauthors: Galgiani and Nielsen) (Coauthor: Senator La Malfa).** An act to amend Section 35401.7 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 350—Solorio.** An act to amend Sections 1060, 1061, and 1064 of, and to amend the heading of Chapter 4.5 (commencing with Section 1060) of Part 3 of Division 2 of the Labor Code, relating to employment.

**ASSEMBLY BILL NO. 351—Chesbro.** An act to amend Section 25503.5 of the Business and Professions Code, relating to alcoholic beverages.

**ASSEMBLY BILL NO. 352—Eng.** An act to add Chapter 7.75 (commencing with Section 3550) to Division 2 of the Business and Professions Code, relating to radiologist assistants.

**ASSEMBLY BILL NO. 353—Cedillo.** An act to repeal Section 100.4 of the Streets and Highways Code, relating to transportation.

**ASSEMBLY BILL NO. 354—Silva.** An act to amend Section 859 of the Probate Code, relating to estates and trusts.

**ASSEMBLY BILL NO. 355—Solorio.** An act to repeal Section 3073 of the Penal Code, relating to parole.

**ASSEMBLY BILL NO. 356—Hill.** An act to add Section 53087.7 to, and to add Chapter 13 (commencing with Section 4590) to Division 5 of Title 1 of, the Government Code, relating to public works projects.

**ASSEMBLY BILL NO. 357—Garrick.** An act to amend Section 55.3 of the Civil Code, relating to disability access.

**ASSEMBLY BILL NO. 358—Smyth.** An act to amend Section 25296.30 of the Health and Safety Code, relating to hazardous substances.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 16—Logue.** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article IV thereof, relating to the state budget.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 18—Dickinson.** Relative to Multiple Sclerosis Awareness Week.

**ASSEMBLY JOINT RESOLUTION NO. 5—Bonnie Lowenthal.** Relative to transportation.

**HOUSE RESOLUTION NO. 7—Bonnie Lowenthal.** Relative to California Teen Safe Driving Week.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

Date of Hearing: February 10, 2011

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 2

Assembly Concurrent Resolution No. 16

With the recommendation: Be adopted.

SKINNER, Chair

Above resolutions ordered to third reading.

**INTRODUCTION OF GUESTS**

Assembly Member Berryhill, of the 26th Assembly District, introduced visitors from Vineyard Christian School in Lodi.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Feuer, the Assembly adjourned until 12 noon, Monday, February 14, 2011, out of respect to the memory of James L. Frayne on motion of Assembly Members Nielsen, Dickinson, and Calderon; out of respect to the memory of William “Fred” Woods on motion of Assembly Member Berryhill; and out of respect to the memory of Nelma Mitchell on motion of Assembly Member Bradford.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk