

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Thursday, February 24, 2011**

**THIRTY-THIRD SESSION DAY**

**EIGHTY-FIRST 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 24, 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 Gatto 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 9:06 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—74:

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

**PRAYER**

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

*Lord, In all the interactions we will experience today, in all of the conversations, all of the meetings and exchanges that we go through, help us to realize that we can be a blessing to someone else. Help us see that just by being supportive or close-by to another person, without even giving any advice, we can be a powerful help to them. Lord, the next time we have an opportunity to criticize or find fault with someone, guide us to think first of what a blessing we could be to them.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Ma, Assembly Member Wieckowski 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 Donnelly, Galgiani, Mendoza, V. Manual Pérez, and Portantino.*

**EXPLANATIONS OF ABSENCE**

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

February 16, 2011

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

Dear Mr. Speaker: I respectfully request that I be excused from Assembly Session on February 24, 2011 for legislative business and morning meetings in the district. If you have any questions, please contact Cassandra Joiner at 319-2059.

Thank you for your consideration of this request.

Sincerely,

TIM DONNELLY, Assembly Member  
Fifty-ninth District

February 24, 2011

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

Dear Speaker Pérez: I would like to request that I be excused from Session on Thursday, February 24, 2011 for legislative business. If you have any questions, please contact Reichel Everhart at (916) 319-2017.

Sincerely,

CATHLEEN GALGIANI, Assembly Member  
Seventeenth District

January 20, 2011

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

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Assembly Floor Session on Thursday, February 24, 2011, as I will be attending to Legislative Business in my District.

I want to thank you in advance for your consideration of this request and if you have any questions, please contact Debbie Collins at 319-2056.

Sincerely,

TONY MENDOZA, Assembly Member  
Fifty-sixth District

February 18, 2011

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

Dear Speaker Pérez: I respectfully request permission to be excused from Session on legislative business on Thursday, February 24, 2011 to join a district event and welcome Barbara Boxer to Imperial County for her follow up visit after the 7.2 Earthquake in April 2010.

Thank you for your consideration of this request. Please contact Elena Garduno in my office should any questions arise.

Sincerely,

V. MANUEL PÉREZ, Assembly Member  
Eightieth District

February 22, 2011

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

Dear Speaker: I respectfully request permission to be excused from Legislative Floor Session on Thursday, February 24, 2011 due to legislative meetings scheduled in my District. If you have further questions please feel free to contact my Executive Assistant, Michelle Morris-Battle.

Thank you for your consideration of this request.

Sincerely,

ANTHONY J. PORTANTINO, Assembly Member  
Forty-fourth District

#### COMMUNICATIONS

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

February 22, 2011

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

RE: Appointment of Mike Gatto  
to International Genocide Memorial Commission

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Mike Gatto to the International Genocide Memorial Commission. This is a pleasure appointment starting February 22, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 22, 2011

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

RE: Appointment of Richard Pan to State Council on Interstate  
Compact on Educational Opportunity for Military Children

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Richard Pan to the State Council on Interstate Compact on Educational Opportunity for Military Children. This is a pleasure appointment starting February 22, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 22, 2011

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

RE: Appointment of Richard Pan  
to California Task Force on Youth and Workplace Wellness

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Richard Pan to the California Task Force on Youth and Workplace Wellness. This is a pleasure appointment starting February 22, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 22, 2011

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

RE: Appointment of Julia Brownley  
to School Building Finance Committee

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Julia Brownley to the School Building Finance Committee. This is a pleasure appointment starting February 22, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 22, 2011

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

RE: Appointment of Holly Mitchell  
to Commission on the Status of Women

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Holly Mitchell to the Commission on the Status of Women. This is a pleasure appointment starting February 22, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

February 22, 2011

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

RE: Appointment of Bonnie Lowenthal  
to Commission on the Status of Women

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Bonnie Lowenthal to the Commission on the Status of Women. This is a pleasure appointment starting February 22, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

#### **SPECIAL COMMITTEE MEETINGS**

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

Health, to convene jointly with the Senate Committee on Health on Tuesday, March 15, 2011, at 1:30 p.m., in Room 4202.

Joint Legislative Audit Committee, on Wednesday, March 9, 2011, at 10 a.m., in Room 444.

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

Assembly Chamber, February 24, 2011

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 15

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, February 24, 2011

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

Assembly Bill No. 56  
Assembly Bill No. 82  
Assembly Bill No. 158

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

#### **REQUEST FOR PHOTOGRAPHER**

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

#### **RE-REFERENCE OF BILLS PURSUANT TO ASSEMBLY RULE 96**

Assembly Member Calderon was granted unanimous consent that the following bills be re-referred as noted pursuant to Assembly Rule 96:

Assembly Bill No. 125 from the Committee on Labor and Employment to the Committee on Rules.

#### **JOINT RULE 62(a) SUSPENDED**

Assembly Member Calderon was granted unanimous consent that Joint Rule 62(a) be suspended to permit the Committee on Appropriations to hear Assembly Bills No. 36 and 50, upon adjournment of Floor Session.

**ADJOURN IN MEMORY**

Assembly Member Silva was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of LeRoy Grannis of Torrance.

(Assembly Rule 45.5 suspended.)

**RECESS**

By unanimous consent, at 9:15 a.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of special guests.

In recognition of 20 years of The California Channel distributing the California State Assembly television signal and providing gavel-to-gavel coverage on cable television in California, Speaker John A. Pérez introduced John Hancock, President, The California Channel; Andrew Johnson, Board Member, The California Channel; Marc Farrar, Board Member, The California Channel; Sam Rodriguez, Comcast Cable; and Deanne Leavenworth, Regional Vice President, Time-Warner Cable, whereupon he presented a Members' Resolution.

Speaker Pérez acknowledged The California Channel for its coverage of legislative, executive, and judicial proceedings which provide Californians with the tools they need to access vital information about their government.

Speaker Pérez noted that when The California Channel began broadcasting the Assembly proceedings in February 1991, the California State Assembly was one of the first legislative bodies in the nation to implement that level of transparency and mentioned the many individuals who were instrumental in the creation and success of The California Channel: Speaker Emeritus Willie L. Brown, Jr.; former Assembly Member Gwen Moore; former Assembly Member Stan Statham; Dennis Mangers, former President of the California Cable Television Association; John Hancock, California Channel President; Tracy Westin, CEO of the Center of Governmental Studies; Paul Koplín, California Channel Founding President; former Assembly staff members Michael Galizio, Marlene Garcia, and Tom Barrett; current Assembly staff members Doug Stone and Arnie Sowell; and the Assembly Television production staff: Rick Mattos, Fred Stetler, John Hall, and Shera Holmes.

**RECONVENED**

At 9:18 a.m., the Assembly reconvened.

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

**ANNOUNCEMENTS**

Speaker pro Tempore Ma announced the following session schedule:

Friday, February 25, 2011, No session;

Monday, February 28, 2011, Floor Session, 12 noon;

Tuesday, March 1, 2011, Check-in Session, 7 a.m.–3 p.m.;

Wednesday, March 2, 2011, Check-in Session, 7 a.m.–3 p.m.;

Thursday, March 3, 2011, Floor Session, 9 a.m.;

Friday, March 4, 2011, No session.



**ADJOURN IN MEMORY**

Assembly Member Butler was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jean Savage Adam and Scott Adam of Marina del Rey.

Assembly Member Skinner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pat Cody of Berkeley.

**MOTION TO ADJOURN**

At 9:19 a.m., Assembly Member Calderon moved that the Assembly do now adjourn.

Assembly Member Conway seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 9:19 a.m., Speaker pro Tempore Ma declared the quorum call of the Assembly dispensed with.

**AUTHOR'S AMENDMENTS****Committee on Public Employees, Retirement and Social Security**

February 24, 2011

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 340

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

FURUTANI, Chair

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

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.

**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>           |
|-----------------|----------------------------|
| 157             | W.,P. & W. and E.S. & T.M. |
| 184             | L. Gov.                    |
| 278             | B.,P. & C.P.               |
| 279             | Rev. & Tax.                |
| 285             | Higher Ed.                 |
| 288             | Higher Ed.                 |
| 289             | Rev. & Tax.                |
| 291             | E.S. & T.M.                |
| 293             | E. & R.                    |
| 294             | Trans.                     |
| 298             | Nat. Res.                  |
| 300             | Health                     |
| 301             | Health                     |
| 302             | L. & E.                    |
| 303             | Rev. & Tax.                |
| 304             | Rev. & Tax.                |
| 305             | B.,P. & C.P.               |
| 307             | L. Gov.                    |
| 308             | Jud. and Pub. S.           |
| 310             | Health                     |
| 311             | L. & E.                    |
| 312             | Jud.                       |
| 313             | Hum. S.                    |
| 314             | B.,P. & C.P.               |
| 315             | Ins.                       |
| 317             | U. & C.                    |
| 318             | Rev. & Tax.                |
| 319             | G.O.                       |
| 320             | Nat. Res. and Jud.         |
| 321             | Pub. S.                    |
| 322             | Pub. S.                    |
| 324             | B.,P. & C.P.               |
| 325             | L. & E.                    |
| 328             | Jud.                       |
| 329             | P.E.,R. & S.S.             |
| 330             | H. & C.D. and L. Gov.      |
| 331             | Ed.                        |
| 332             | Aging & L.T.C. and Pub. S. |
| 333             | Nat. Res.                  |
| 334             | Higher Ed.                 |
| 335             | Ins.                       |
| 336             | B. & F.                    |
| 337             | W.,P. & W.                 |
| 338             | B.,P. & C.P.               |
| 340             | P.E.,R. & S.S.             |
| 341             | Nat. Res.                  |
| 342             | L. Gov.                    |
| 344             | P.E.,R. & S.S.             |
| 345             | Trans.                     |

|     |       |                          |
|-----|-------|--------------------------|
| 346 | ----- | E. & R.                  |
| 349 | ----- | Trans.                   |
| 350 | ----- | L. & E.                  |
| 351 | ----- | G.O.                     |
| 352 | ----- | B.,P. & C.P.             |
| 353 | ----- | Trans.                   |
| 354 | ----- | Jud.                     |
| 355 | ----- | Pub. S.                  |
| 356 | ----- | B.,P. & C.P. and L. Gov. |
| 358 | ----- | E.S. & T.M.              |
| 359 | ----- | W.,P. & W. and L. Gov.   |
| 360 | ----- | Ed.                      |
| 362 | ----- | E. & R.                  |
| 363 | ----- | G.O.                     |
| 364 | ----- | Pub. S.                  |
| 368 | ----- | Rev. & Tax.              |
| 370 | ----- | H. & C.D.                |
| 372 | ----- | Higher Ed.               |
| 374 | ----- | B.,P. & C.P.             |
| 375 | ----- | Ins.                     |
| 376 | ----- | W.,P. & W.               |
| 379 | ----- | Jud.                     |
| 380 | ----- | Nat. Res. and W.,P. & W. |
| 388 | ----- | Pub. S.                  |
| 389 | ----- | B.,P. & C.P.             |
| 390 | ----- | Trans.                   |
| 391 | ----- | L. & E.                  |
| 394 | ----- | L. & E.                  |
| 395 | ----- | Health                   |
| 396 | ----- | Pub. S. and Health       |
| 397 | ----- | B.,P. & C.P.             |
| 398 | ----- | G.O.                     |
| 401 | ----- | Ed.                      |
| 403 | ----- | E.S. & T.M.              |
| 404 | ----- | Higher Ed.               |
| 405 | ----- | Ed. and Higher Ed.       |
| 436 | ----- | Ins.                     |

*Assembly Concurrent*

| <i>Resolution No.</i> | <i>Committee</i> |
|-----------------------|------------------|
| 17                    | ----- Rls.       |
| 18                    | ----- Rls.       |

*Assembly Joint*

| <i>Resolution No.</i> | <i>Committee</i>  |
|-----------------------|-------------------|
| 3                     | ----- Rev. & Tax. |
| 5                     | ----- Trans.      |

*House*

| <i>Resolution No.</i> | <i>Committee</i> |
|-----------------------|------------------|
| 6                     | ----- Rls.       |

*Senate*

| <i>Bill No.</i> | <i>Committee</i> |
|-----------------|------------------|
| 99              | ----- Appr.      |

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 28**—Chesbro and John A. Pérez (Coauthor: Senator Pavley). Relative to Earth Hour.

**ASSEMBLY CONCURRENT RESOLUTION NO. 29**—Bonilla and Ma. Relative to Teen Dating Violence Awareness and Prevention Month.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing: February 24, 2011

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 36

Assembly Bill No. 50

With the recommendation: Do pass.

FUENTES, Chair

Above bills ordered to second reading.

**Committee on Rules**

Date of Hearing: February 24, 2011

Mr. Speaker: Your Committee on Rules reports:

Assembly Bill No. 125

With the recommendation: That the bill be re-referred to the Committee on Insurance.

SKINNER, Chair

Above bill re-referred to the Committee on Insurance.

Date of Hearing: February 24, 2011

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 10

House Resolution No. 7

With the recommendation: Be adopted.

SKINNER, Chair

Above resolutions ordered to third reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, February 24, 2011

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 8

Assembly Concurrent Resolution No. 11

GREGORY P. SCHMIDT, Secretary of the Senate  
By Bernadette McNulty, Assistant Secretary

Above resolutions ordered enrolled.

**INTRODUCTION OF GUESTS**

Assembly Member Berryhill, of the 26th Assembly District, introduced the Escalon High School Cougars football team with Coach Mark Loureiro and Principal Jason Maggard. Assembly Member Berryhill congratulated the team on winning the California Interscholastic Federation Division III Championship and recognized the devotion and hard work of the team members and the dedication and leadership provided by Coach Loureiro and Assistant Coaches Al Caton, Ray Scott, and Max Goldstein.

Assembly Member Dickinson, of the 9th Assembly District, introduced Carol Schanz, President of the Camellia Society of Sacramento. Assembly Member Hall, of the 52nd Assembly District, introduced his Legislative Director, Terry Schanz, son of Carol Schanz.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Calderon, the Assembly adjourned until 12 noon, Monday, February 28, 2011, out of respect to the memory of LeRoy Grannis on motion of Assembly Member Silva; out of respect to the memory of Jean Savage Adam and Scott Adam on motion of Assembly Member Butler; and out of respect to the memory of Pat Cody on motion of Assembly Member Skinner.

---

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 24, 2011**

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

| <b>AB</b>                | <b>RN</b> |           |
|--------------------------|-----------|-----------|
| 340                      | 108953    |           |
| <b>Daily Total:</b>      |           | <b>1</b>  |
| <b>Cumulative Total:</b> |           | <b>25</b> |

O