

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, February 28, 2011

THIRTY-FOURTH SESSION DAY

EIGHTY-FIFTH 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
Monday, February 28, 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 Hall 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 12:03 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—78:

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

PRAYER

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

Lord, You don't give us check lists to prove ourselves. You ask us to have faith in You. That faith is genuine and strong when it guides our actions, when it changes how we behave and how we think. Lord, accept us today, mold us and shape us to be more like You. And show us how our faith is manifested in how we treat others.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Olsen 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 Member was granted leave of absence for the day:

On legislative business: Assembly Member Miller.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

February 24, 2011

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

Dear Mr. Speaker: I respectfully request to be excused from Floor Session on Monday, February 28th due to legislative business in my district regarding redevelopment in the City of Corona.

Please contact Esther Shin in my Capitol office at (916) 319-2071 with any questions or concerns. Thank you for your consideration of this request.

Sincerely,

JEFF MILLER, Assembly Member
Seventy-first District

COMMUNICATIONS

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

Per Diem Waiver

February 22, 2011

*The Honorable Nancy Skinner
Chair, Assembly Rules Committee
1020 N Street, Suite 300
Sacramento, California*

Dear Assembly Member Skinner: Upon my deployment on March 18, 2011, I respectfully request to be put on leave of absence until my return in 2012. I will not be taking any compensation, including my salary, per diem, and any benefits for state legislators.

If you have any questions, please feel free to contact me at (916) 319-2037. Thank you for your prompt attention to this matter.

Sincerely,

JEFF GORELL, Assembly Member
Thirty-seventh District

SPECIAL COMMITTEE MEETINGS

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

Housing and Community Development, to convene jointly with the Committee on Veterans Affairs on Wednesday, March 23, 2011, at 9:30 a.m., in Room 126.

Local Government, on Wednesday, April 13, 2011, and Wednesday, May 4, 2011, at 1:30 p.m.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 28, 2011

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

Assembly Concurrent Resolution No. 10

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, February 28, 2011

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

Assembly Bill No. 340

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

REQUEST FOR PHOTOGRAPHER

Assembly Members Bradford, Hill, Huffman, and V. Manuel Pérez were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

RECESS

By unanimous consent, at 12:06 p.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Bradford introduced Herbert Jeffrey “Herbie” Hancock, American pianist, bandleader, and composer, winner of 13 Grammy Awards and Oscar winner for “Round Midnight” whereupon he presented a Members’ Resolution.

RECONVENED

At 12:10 p.m., the Assembly reconvened.

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

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

ASSEMBLY BILL NO. 36—An act to amend Section 23701i of, and to add Sections 17131.7 and 17201.1 to, the Revenue and Taxation Code, and to add Section 938.4 to the Unemployment Insurance Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 50—An act to amend Sections 17207.8 and 24347.10 of, and to add Sections 17131.10 and 18154 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 13 (Huffman)—Relative to Rare Disease Day.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 13**

Assembly Member Huffman was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 13.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Achadjian, Alejo, Allen, Ammiano, Atkins, Beall, Bill Berryhill, Block, Blumenfield, Bonilla, Brownley, Buchanan, Butler, Charles Calderon, Carter, Chesbro, Cook, Davis, Dickinson, Donnelly, Eng, Feuer, Fletcher, Fong, Fuentes, Furutani, Galgiani, Garrick, Gatto, Gordon, Grove, Hagman, Hall, Harkey, Hayashi, Roger Hernández, Huber, Hueso, Jeffries, Jones, Lara, Logue, Bonnie Lowenthal, Ma, Mansoor, Mendoza, 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 Huffman was granted unanimous consent to take up Assembly Concurrent Resolution No. 13, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 13, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 13—Relative to Rare Disease Day.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

HOUSE RESOLUTION NO. 7 (Lowenthal)—Relative to California Teen Safe Driving Week.

Resolution read.

**Members Made Coauthors of
House Resolution No. 7**

Assembly Member Lowenthal was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 7.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Lowenthal was granted unanimous consent to take up House Resolution No. 7, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of House Resolution No. 7, as Amended

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

Resolution read, as amended, and adopted.

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 Jack D. Forbes, Professor Emeritus and former Chair of Native American Studies at University of California, Davis, resident of Davis.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Mitchell was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Taylor Griffin Galloway of Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Harkey was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mara Steves of Laguna Niguel.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

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 Margarita de Necochea of Calexico.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Speaker pro Tempore Ma announced the following session schedule:
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.

FAIR POLITICAL PRACTICES COMMISSION FILING DEADLINE

Speaker pro Tempore Ma announced that Tuesday, March 1, 2011 is the deadline for Members to file their Statement of Economic Interests—Form 700 with the Fair Political Practices Commission. The completed Form 700 must be filed with the Office of the Chief Clerk, attention Assistant Chief Clerk Brian Ebbert, by 5 p.m., Tuesday, March 1, 2011.

COMMITTEE MEETING ANNOUNCEMENTS

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

CAUCUS ANNOUNCEMENTS

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

Speaker pro Tempore Ma announced that the Democratic Caucus would meet upon adjournment of Floor Session, in the Assembly Lounge.

ADJOURN IN MEMORY

Assembly Member Brownley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marjorie Zifferblatt of Santa Monica.

Assembly Member Portantino was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jack Rohman of Mount Washington and Nick Navarro of South Pasadena.

MOTION TO ADJOURN

At 12:29 p.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 12:29 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. 1393—Committee on Arts, Entertainment, Sports, Tourism, and Internet Media (Assembly Members Campos (Chair), Carter, Gatto, Mendoza, and Monning). An act to add Section 1308.10 to the Labor Code, relating to employment.

ASSEMBLY BILL NO. 1394—Committee on Health (Assembly Members Monning (Chair), Logue (Vice Chair), Ammiano, Atkins, Bonilla, Eng, Gordon, Hayashi, Roger Hernández, Bonnie Lowenthal, Mitchell, Pan, V. Manuel Pérez, Smyth, and Williams). An act to amend Sections 15432, 15438, 15438.5, 15439, 15441, 15442, 15446, 15451.5, 15459, 15459.1, 15459.2, 15459.3, and 15459.4 of the Government Code, relating to health facility financing, and making an appropriation therefor.

ASSEMBLY BILL NO. 1395—Committee on Labor and Employment (Assembly Members Swanson (Chair), Alejo, Allen, Furutani, and Yamada). An act to amend Section 12940 of the Government Code, relating to employment.

ASSEMBLY BILL NO. 1396—Committee on Labor and Employment (Assembly Members Swanson (Chair), Alejo, Allen, Furutani, and Yamada). An act to amend Section 2751 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 1397—Committee on Labor and Employment (Assembly Members Swanson (Chair), Alejo, Allen, Furutani, and Yamada). An act to amend Section 512 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 1398—Committee on Labor and Employment (Assembly Members Swanson (Chair), Alejo, Allen, Furutani, and Yamada). An act to amend Section 351 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 1399—Committee on Labor and Employment (Assembly Members Swanson (Chair), Alejo, Allen, Furutani, and Yamada). An act to amend Section 1198.5 of the Labor Code, relating to employment records.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 30—Mendoza. Relative to Read Across America Day.

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. 344

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

FURUTANI, Chair

ASSEMBLY BILL NO. 344—An act to amend Section 21221 of the Government Code, relating to public 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.

AUTHOR'S AMENDMENTS
Committee on Budget

February 28, 2011

Mr. Speaker: The Chair of your Committee on Budget reports:

Assembly Bill No. 92

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

BLUMENFIELD, Chair

ASSEMBLY BILL NO. 92—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, to take effect immediately, Budget Bill.

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.

AUTHOR'S AMENDMENTS
Committee on Local Government

February 28, 2011

Mr. Speaker: The Chair of your Committee on Local Government reports:

Assembly Bill No. 46

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

SMYTH, Chair

ASSEMBLY BILL NO. 46—An act to add Section 56668.6 to the Government Code, relating to local government.

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.

AUTHOR'S AMENDMENTS
Committee on Higher Education

February 28, 2011

Mr. Speaker: The Chair of your Committee on Higher Education reports:

Assembly Bill No. 160

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

BLOCK, Chair

ASSEMBLY BILL NO. 160—An act to amend Sections 48800, 48800.5, 48802, and 76001 of the Education Code, relating to public schools.

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.

AUTHOR'S AMENDMENTS
Committee on Insurance

February 28, 2011

Mr. Speaker: The Chair of your Committee on Insurance reports:

Assembly Bill No. 436

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

SOLORIO, Chair

ASSEMBLY BILL NO. 436—An act to amend Section 1758.992 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

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.

AUTHOR'S AMENDMENTS
Committee on Rules

February 28, 2011

Mr. Speaker: The Chair of your Committee on Rules reports:

Assembly Concurrent Resolution No. 7

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

SKINNER, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 7—Relative to the 23rd Annual State Scientist Day.

Resolution read.

Author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Revenue and Taxation

February 28, 2011

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

Assembly Bill No. 218

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

PEREA, Chair

ASSEMBLY BILL NO. 218—An act to amend Section 14302 of, to add Section 6377.1 to, to add Part 9 (commencing with Section 15000) to Division 2 of, and to repeal Section 13301 of, the Revenue and Taxation Code, relating to taxation, and calling a special election to be consolidated with the next statewide general election, to take effect immediately as an act calling an election.

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.

MESSAGES FROM THE SENATE

Senate Chamber, February 28, 2011

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

Senate Concurrent Resolution No. 9

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

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 9—Relative to the Fresno Food Expo.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 28, 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 enrolled, and presented to the Secretary of State on the 28th day of February, 2011, at 3:20 p.m.

E. DOTSON WILSON, Chief Clerk

INTRODUCTION OF GUESTS

Assembly Member Huffman, of the 6th Assembly District, and Assembly Member Hill, of the 19th Assembly District, introduced Consuelo Hernández from the California Healthcare Institute and Kathryn Lowell from BioMarin and BayBio.

Assembly Member V. Manuel Pérez, of the 80th Assembly District, introduced Gordy de Necochea.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Calderon, the Assembly adjourned until 7 a.m., Tuesday, March 1, 2011, out of respect to the memory of Jack D. Forbes on motion of Assembly Member Alejo; out of respect to the memory of Taylor Griffin Galloway on motion of Assembly Member Mitchell; out of respect to the memory of Mara Steves on motion of Assembly Member Harkey; out of respect to the memory of Margarita de Necochea on motion of Assembly Member V. Manuel Pérez; and out of respect to the memory of Marjorie Zifferblatt on motion of Assembly Member Brownley.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 28, 2011**

The following measures were amended in the Assembly on this day:

AB RN

46	1112118
92	1161166
160	1108439
218	1110831
344	1108952
436	1109907

ACR RN

7	1108729
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Daily Total:	7
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Cumulative Total:	32
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