

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 3, 2011

THIRTY-SEVENTH SESSION DAY

EIGHTY-EIGHTH 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.

(Please direct any inquiries and report any omissions or errors to Minute Clerk: Phone 916-319-2360)

(Corrected 3-7-11)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, March 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 Chesbro 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 9:04 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—75:

Achadjian	Conway	Hayashi	Nielsen
Alejo	Cook	Hernández	Norby
Allen	Davis	Hill	Olsen
Ammiano	Dickinson	Huber	Pan
Atkins	Donnelly	Hueso	Perea
Beall	Eng	Huffman	Pérez, V. Manuel
Berryhill	Feuer	Jeffries	Portantino
Block	Fong	Jones	Silva
Blumenfield	Fuentes	Knight	Skinner
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	Miller	Williams
Carter	Hagman	Monning	Yamada
Cedillo	Halderman	Morrell	Mr. Speaker
Chesbro	Harkey	Nestande	

PRAYER

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

Lord, It is easy to get focused on what's wrong in life, what we don't have or how big our obstacles are. If we're not careful, we will lose sight of all the good things You have done for us. We can get so busy and stressed that we won't appreciate Your blessings of family, friends, health and opportunities. Help us to evaluate our perspective, Lord, to lift our eyes up to You no matter what is happening, for You are the source of all our needs.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Furutani 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 Member Mitchell.

On personal business, and waiving per diem: Assembly Member Fletcher.

Because of illness: Assembly Member Hall.

Because of illness in his family: Assembly Member Smyth.

EXPLANATIONS OF ABSENCE

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

March 1, 2011

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

Dear Speaker Pérez: I respectfully request to be excused from Session Thursday, March 3, 2011 due to legislative business in my district. Please contact my office at 916-319-2047 if there are any questions or concerns.

Thank you for your consideration.

Respectfully,

HOLLY J. MITCHELL, Assembly Member
Forty-seventh District

SPECIAL COMMITTEE MEETINGS

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

Joint Legislative Audit Committee, on Wednesday, March 16, 2011, at 10 a.m., in Room 444.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 3, 2011

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

Assembly Bill No. 148

Assembly Bill No. 235

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

REQUEST FOR PHOTOGRAPHER

Assembly Members Alejo and Mendoza were 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. 150 from the Committee on Business, Professions and Consumer Protection to the Committee on Jobs, Economic Development, and the Economy, and to be returned to the Committee on Business, Professions and Consumer Protection.

RECESS

By unanimous consent, at 9:08 a.m., Speaker pro Tempore Ma declared the Assembly recessed to convene the First Extraordinary Session.

RECONVENED

At 9:09 a.m., the Assembly reconvened.

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

RECESS

By unanimous consent, at 9:09 a.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Alejo introduced the James Irvine Foundation Award recipients: Dr. Steven Pantilat, Palliative Care Service and Palliative Care Leadership Center, University of California, San Francisco; Dr. Judith Broder, The Soldiers Project, Los Angeles; Tim Carpenter, EngAGE, Burbank; Martha Ryan, Homeless Prenatal Program, San Francisco; and Dori Rose Inda, Watsonville Law Center, Monterey. Also present were members of the James Irvine Foundation: James Canales, Amy Dominguez-Arms, Catherine Hazelton, and Daniel Silverman.

* * *

Assembly Member Brownley introduced the winners of the 2011 Milken Awards: Tu Moua-Carroz, Tamara Garfio, and Lou Xiong.

RECONVENED

At 9:13 a.m., the Assembly reconvened.

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

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>
168	Pub. S.
246	Jud. and E.S. & T.M.
267	L. & E.
284	W.,P. & W.
306	Nat. Res. and Trans.
309	Jud.
316	Pub. S.
326	Pub. S. and Jud.
343	H. & C.D. and L. Gov.
366	Health
367	Pub. S. and Aging & L.T.C.
369	Health
371	B.,P. & C.P.
378	Ins. and B.,P. & C.P.
384	B.,P. & C.P. and Nat. Res.
392	L. Gov. and G.O.
400	L. & E. and Jud.
402	Ed.
406	B. & F.
407	B. & F.
408	E.S. & T.M.
410	B.,P. & C.P.
412	Health and L. Gov.
413	E. & R.
417	B.,P. & C.P.
418	Nat. Res. and L. Gov.
419	Hum. S.
420	Pub. S.
421	Pub. S.
424	B. & F.
428	Health
431	B.,P. & C.P.
433	Jud.
434	Pub. S.
437	Health
438	L. Gov.
440	Ed.
449	U. & C.
450	Higher Ed.
451	P.E.,R. & S.S.
452	Pub. S.
453	P.E.,R. & S.S.
454	Jud.
455	P.E.,R. & S.S.
456	Jud.
457	B.,P. & C.P.
458	Jud.
461	E. & R.
464	Trans.

465	-----	B.,P. & C.P.
468	-----	L. Gov.
471	-----	Trans.
472	-----	Pub. S.
475	-----	Trans.
476	-----	Trans. and Jud.
477	-----	E. & R.
478	-----	Higher Ed.
480	-----	Ins.
481	-----	E. & R.
483	-----	H. & C.D.
484	-----	W.,P. & W. and L. Gov.
485	-----	L. Gov.
487	-----	V.A.
488	-----	V.A.
489	-----	Pub. S.
491	-----	Health
492	-----	Trans.
493	-----	Hum. S.
494	-----	G.O.
495	-----	B.,P. & C.P.
496	-----	Ed.
497	-----	H. & C.D.
500	-----	Ins. and Jud.
501	-----	P.E.,R. & S.S.
503	-----	E. & R.
504	-----	Rev. & Tax.
507	-----	Health and B.,P. & C.P.
508	-----	L. & E.
512	-----	U. & C.
515	-----	Higher Ed.
516	-----	Trans.
517	-----	G.O.
518	-----	Aging & L.T.C. and Pub. S.
519	-----	Ed.
520	-----	Pub. S.
525	-----	Nat. Res.
527	-----	L. Gov.
528	-----	W.,P. & W.
529	-----	Trans. and L. Gov.
532	-----	Ed.
533	-----	Aging & L.T.C. and Hum. S.
534	-----	Jud.
537	-----	Trans.
538	-----	Trans.
540	-----	Health
541	-----	J., E.D. & E.
542	-----	L. Gov. and H. & C.D.
543	-----	Pub. S.
544	-----	B.,P. & C.P.
545	-----	Pub. S.
549	-----	Nat. Res. and E.S. & T.M.
551	-----	L. & E. and Jud.
552	-----	L. & E.

553	-----	L. & E.
554	-----	L. & E.
556	-----	Jud.
558	-----	Rev. & Tax.
559	-----	Jud.
560	-----	B.,P. & C.P.
561	-----	W.,P. & W.
562	-----	G.O.
563	-----	Rev. & Tax.
564	-----	Rev. & Tax.
565	-----	Nat. Res.
566	-----	Nat. Res.
568	-----	Pub. S.
569	-----	B.,P. & C.P.
571	-----	B. & F.
572	-----	Jud.
574	-----	Ageing & L.T.C. and Health
575	-----	B.,P. & C.P.
576	-----	W.,P. & W.
578	-----	G.O.
579	-----	Jud.
580	-----	Ed.
581	-----	Agri. and Health
583	-----	E.S. & T.M. and Nat. Res.
584	-----	Ins.
587	-----	L. & E.
588	-----	Jud.
589	-----	B.,P. & C.P.
591	-----	Nat. Res.
592	-----	L. & E.
594	-----	Hum. S. and Ageing & L.T.C.
595	-----	Trans.
596	-----	Ed. and Hum. S.
597	-----	B. & F.
605	-----	Nat. Res.
606	-----	W.,P. & W.
607	-----	Trans.
609	-----	Ed.
610	-----	Trans.
611	-----	Higher Ed. and B.,P. & C.P.
612	-----	L. Gov.
613	-----	Pub. S.
615	-----	Trans.
617	-----	P.E.,R. & S.S.
620	-----	Higher Ed.
621	-----	Jud.
623	-----	G.O.
626	-----	Higher Ed.
628	-----	W.,P. & W. and Trans.
631	-----	U. & C. and Trans.
633	-----	B.,P. & C.P.
634	-----	Agri.
636	-----	V.A. and Higher Ed.
637	-----	Ed.

638	-----	Nat. Res.
640	-----	E.S. & T.M.
643	-----	B. & F.
673	-----	Health
674	-----	Trans.
675	-----	Higher Ed. and B.,P. & C.P.
676	-----	Trans.
677	-----	Ed.
679	-----	H. & C.D. and L. Gov.
681	-----	Jud.
682	-----	B.,P. & C.P.
685	-----	W.,P. & W.
686	-----	Rev. & Tax.
687	-----	Jud.
690	-----	Ins.
692	-----	P.E.,R. & S.S.
693	-----	Trans.
694	-----	Pub. S.
695	-----	Trans.
696	-----	J., E.D. & E.
699	-----	Jud.
700	-----	J., E.D. & E.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
23	----- Rls.
25	----- A.,E.,S.,T. & I. M.
29	----- Rls.
30	----- Rls.

Senate Concurrent

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

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

ASSEMBLY CONCURRENT RESOLUTION NO. 10 (Dickinson)—Relative to California Arbor Week.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 10**

Assembly Member Dickinson was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 10.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Alejo, Allen, Ammiano, Atkins, Beall, Block, Blumenfield, Bonilla, Bradford, Brownley, Buchanan, Butler, Charles Calderon, Campos, Carter, Cedillo, Chesbro, Cook, Davis, Eng, Feuer, Fong, Fuentes, Furutani, Galgiani, Garrick, Gatto, Gordon, Gorell, Hayashi, Roger Hernández, Hill, Huber, Hueso, Huffman, Jeffries, Lara, Bonnie Lowenthal, Ma, Mansoor, Mendoza, Miller, Nielsen, Pan, Perea, John A. Pérez, V. Manuel Pérez, Portantino, Silva, Skinner, Solorio, Swanson, Torres, Wagner, Wieckowski, Williams, and Yamada.

Request for Unanimous Consent

Assembly Member Dickinson was granted unanimous consent to take up Assembly Concurrent Resolution No. 10, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 10, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 10—Relative to California Arbor Week.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

ASSEMBLY BILL NO. 36 (Perea)—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 third time, and passed by the following vote:

AYES—74

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

NOES—None

Bill ordered transmitted to the Senate.

ASSEMBLY BILL NO. 50 (Hill)—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 third time, and passed by the following vote:

AYES—75

Achadjian	Conway	Hayashi	Nielsen
Alejo	Cook	Hernández	Norby
Allen	Davis	Hill	Olsen
Ammiano	Dickinson	Huber	Pan
Atkins	Donnelly	Hueso	Perea
Beall	Eng	Huffman	Pérez, V.M.
Berryhill	Feuer	Jeffries	Portantino
Block	Fong	Jones	Silva
Blumenfield	Fuentes	Knight	Skinner
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	Miller	Williams
Carter	Hagman	Monning	Yamada
Cedillo	Halderman	Morrell	Mr. Speaker
Chesbro	Harkey	Nestande	

NOES—None

Bill ordered transmitted to the Senate.

ADJOURN IN MEMORY

Assembly Member Nielsen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of David Favor of Chico.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

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 Margaret “Peg” Kovar, the first female mayor of Walnut Creek, resident of Walnut Creek.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Cedillo and Furutani were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Faustino Baclig of Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Mendoza, Calderon, Nielsen, and Cedillo were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lance Christy Corcoran of Roseville.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Speaker pro Tempore Ma announced the following session schedule:
Friday, March 4, 2011, No session;
Monday, March 7, 2011, Floor Session, 12 noon;
Tuesday, March 8, 2011, Check-in Session, 7 a.m.–3 p.m., and Floor Session, upon call of the Speaker;
Wednesday, March 9, 2011, Check-in Session, 7 a.m.–3 p.m., and Floor Session, upon call of the Speaker;
Thursday, March 10, 2011, Floor Session, 9 a.m.;
Friday, March 11, 2011, Floor Session, upon call of the Speaker.

SPECIAL RECOGNITION

The Members of the Assembly joined Speaker pro Tempore Ma in extending best wishes to Assembly Member Cook on the occasion of his birthday.

ADJOURN IN MEMORY

Assembly Member Gordon was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William Alhouse of Palo Alto.

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 Johnny Brooks of Stockton.

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 Ruth Joanne Kahle of Sacramento.

Assembly Member Yamada was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Clara Bruni Miller of Napa.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Assembly Bill No. 36: Garrick and Miller—Aye.

Assembly Bill No. 50: Halderman, Logue, and Miller—Aye.

MOTION TO ADJOURN

At 9:43 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 9:43 a.m., Speaker pro Tempore Ma declared the quorum call of the Assembly dispensed with.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY JOINT RESOLUTION NO. 7—Charles Calderon. Relative to the Armenian Genocide.

HOUSE RESOLUTION NO. 9—Garrick. Relative to Irish American Heritage Month.

AUTHOR'S AMENDMENTS**Committee on Revenue and Taxation**

March 3, 2011

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Assembly Bill No. 155

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

PEREA, Chair

ASSEMBLY BILL NO. 155—An act to amend Sections 6203 and 7055 of, and to add Section 6208 to, the Revenue and Taxation Code, relating to taxation.

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 Elections and Redistricting**

March 3, 2011

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports:
Assembly Bill No. 80

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

FONG, Chair

ASSEMBLY BILL NO. 80—An act to amend Sections 340, 1000, 1001, and 1202 of the Elections Code, relating to elections.

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 Education**

March 3, 2011

Mr. Speaker: The Chair of your Committee on Education reports:
Assembly Bill No. 189

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

BROWNLEY, Chair

ASSEMBLY BILL NO. 189—An act to amend Section 52612 of, and to add Section 52618 to, the Education Code, relating to adult education.

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: March 3, 2011

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 9

With the recommendation: Be adopted.

SKINNER, Chair

Above resolution ordered to third reading.

Date of Hearing: March 3, 2011

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 30

House Resolution No. 6

With the recommendation: Be adopted.

SKINNER, Chair

Above resolutions ordered to third reading.

Committee on Insurance

Date of Hearing: March 2, 2011

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 125

With amendments with the recommendation: Amend, and do pass, as amended.

SOLORIO, Chair

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, March 3, 2011

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

Senate Concurrent Resolution No. 8

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. 8—Relative to Sunshine Week.

INTRODUCTION OF GUESTS

Assembly Member Mendoza, of the 56th Assembly District, introduced the family of Lance Christy Corcoran: parents Barbara and Tim Corcoran, sons Ian, Michael, and Dillon Corcoran, sisters Tammy Karnow and Candyce Corcoran-Steward, brother-in-law Jerry Karnow, niece Terra Karnow, and beloved fiancée Sundi Lyons.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Calderon, the Assembly adjourned until 12 noon, Monday, March 7, 2011, out of respect to the memory of David Favor on motion of Assembly Member Nielsen; out of respect to the memory of Margaret "Peg" Kovar on motion of Assembly Member Buchanan; out of respect to the memory of Faustino Baclig on motion of Assembly Members Cedillo and Furutani; out of respect to the memory of Lance Christy Corcoran on motion of Assembly Members Mendoza, Calderon, Nielsen, and Cedillo; out of respect to the memory of William Alhouse on motion of Assembly Member Gordon; out of respect to the memory of Johnny Brooks on motion of Assembly Member Berryhill; out of respect to the memory of Ruth Joanne Kahle on motion of Assembly Member Dickinson; and out of respect to the memory of Clara Bruni Miller on motion of Assembly Member Yamada.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

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

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

AB	RN	
80	1112379	
155	1112187	
189	1112430	
Daily Total:		3
Cumulative Total:		38

O