

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 7, 2011

THIRTY-EIGHTH SESSION DAY

NINETY-SECOND 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, March 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—75:

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

PRAYER

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

Lord, The word hypocrite is actually the Greek word for actor. Hypocrites act so as to appear a certain way in public only. Help us, Lord, to be the opposite. Help us to be constantly vigilant not to focus on the appearance of holiness, but to strive toward holiness in our life without drawing attention to ourselves. Guide us to ensure that our outward appearance and behavior become unspectacular, while the reality of our personal spiritual growth, while unseen, becomes profound.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Block 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 Conway.

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 John A. Pérez and Williams.

Because of illness: Assembly Member Silva.

Because of a death in his family: Assembly Member Swanson.

EXPLANATIONS OF ABSENCE

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

March 7, 2011

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

Dear Dotson: This is to advise you that I will not be in attendance for Floor Session on Monday, March 7, 2011 due to legislative business.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

March 2, 2011

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

Dear Mr. Speaker: I respectfully request permission to be excused from Session on Monday, March 7th for legislative business in my district. If a budget vote shall come up on the Floor this day, then I will make myself available.

Your consideration of this request is greatly appreciated.

Sincerely,

DAS WILLIAMS, Assembly Member
Thirty-fifth District

SPECIAL COMMITTEE MEETINGS

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

Select Committee on Alcohol and Drug Abuse, on Monday, April 25, 2011, at 3 p.m., in Room 444.

Governmental Organization, on Wednesday, March 30, 2011, at 1:30 p.m., in Room 4202.

Select Committee on the Preservation of California’s Entertainment Industry, on Friday, March 18, 2011, at 10 a.m., in Pasadena City Hall.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 7, 2011

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

Assembly Concurrent Resolution No. 30

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, March 7, 2011

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

Assembly Bill No. 80

Assembly Bill No. 155

Assembly Bill No. 189

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to 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>
292 -----	Trans.
339 -----	Ed.
377 -----	Health and B.,P. & C.P.
426 -----	Pub. S.
441 -----	L. Gov.
462 -----	Trans.
467 -----	W.,P. & W. and E.S. & T.M.
486 -----	L. Gov.
499 -----	Health and Jud.

526	-----	G.O. and Pub. S.
536	-----	B.,P. & C.P.
539	-----	Trans. and Pub. S.
557	-----	V.A.
582	-----	L. Gov.
601	-----	Trans.
622	-----	Jud.
635	-----	V.A. and Higher Ed.
644	-----	Nat. Res.
645	-----	B. & F.
646	-----	P.E.,R. & S.S.
648	-----	Pub. S.
649	-----	Higher Ed.
650	-----	Trans.
651	-----	E. & R.
652	-----	Health
653	-----	Pub. S.
654	-----	W.,P. & W. and L. Gov.
655	-----	B.,P. & C.P.
657	-----	B. & F.
659	-----	Health
661	-----	Higher Ed.
663	-----	E. & R.
664	-----	L. Gov.
665	-----	Pub. S.
666	-----	B.,P. & C.P. and E.S. & T.M.
667	-----	Health
669	-----	Rev. & Tax. and Health
671	-----	Hum. S.
683	-----	H. & C.D. and B.,P. & C.P.
688	-----	Health
701	-----	Pub. S. and U. & C.
702	-----	Pub. S.
703	-----	Rev. & Tax.
705	-----	Ins.
706	-----	Rls.
708	-----	Pub. S.
709	-----	Ed. and Hum. S.
711	-----	Rev. & Tax.
712	-----	Nat. Res.
713	-----	V.A. and Jud.
714	-----	Health
715	-----	Health
716	-----	Trans.
720	-----	L. Gov.
721	-----	U. & C. and Nat. Res.
723	-----	U. & C. and Nat. Res.
724	-----	U. & C.
725	-----	U. & C.
726	-----	Rev. & Tax.
727	-----	B.,P. & C.P.
730	-----	Hum. S.
731	-----	G.O. and Nat. Res.
732	-----	E. & R.

735	-----	Trans.
736	-----	Ins.
737	-----	L. Gov.
738	-----	P.E.,R. & S.S.
739	-----	Ed.
740	-----	B.,P. & C.P.
741	-----	Nat. Res.
743	-----	Higher Ed.
744	-----	B.,P. & C.P.
746	-----	Ed.
748	-----	Hum. S. and Ins.
749	-----	G.O.
751	-----	Ed.
752	-----	Nat. Res.
753	-----	Jud.
754	-----	E. & R.
755	-----	Pub. S.
756	-----	Hum. S.
757	-----	Pub. S. and Jud.
758	-----	P.E.,R. & S.S.
759	-----	G.O.
760	-----	Ed.
761	-----	B.,P. & C.P. and Health
763	-----	W.,P. & W.
764	-----	Rev. & Tax.
765	-----	Pub. S.
766	-----	L. & E.
767	-----	B.,P. & C.P.
768	-----	Nat. Res. and Trans.
769	-----	P.E.,R. & S.S.
770	-----	U. & C.
771	-----	H. & C.D. and Jud.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
20	----- Rls.
28	----- Rls.

House

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

Senate

<i>Bill No.</i>	<i>Committee</i>
70	----- Budget
71	----- Budget
72	----- Budget
73	----- Budget
74	----- Budget
75	----- Budget
76	----- Budget
77	----- Budget
78	----- Budget
79	----- Budget
80	----- Budget

- 81 ----- Budget
- 82 ----- Budget
- 83 ----- Budget
- 84 ----- Budget
- 85 ----- Budget
- 86 ----- Budget
- 87 ----- Budget
- 89 ----- Budget
- 90 ----- Budget
- 91 ----- Budget
- 92 ----- Budget
- 93 ----- Budget
- 94 ----- Budget
- 95 ----- Budget
- 96 ----- Budget
- 97 ----- Budget
- 98 ----- Budget

**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. 309 from the Committee on Judiciary to the Committee on Governmental Organization;

Assembly Bill No. 561 from the Committee on Water, Parks and Wildlife to the Committee on Local Government.

RECESS

By unanimous consent, at 12:07 p.m., Speaker pro Tempore Ma declared the Assembly recessed to convene the First Extraordinary Session.

RECONVENED

At 12:12 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. 125—An act to amend Section 1758.992 of the Insurance Code, relating to insurance.

Bill read second time; amendments proposed by the Committee on Insurance read and adopted; bill ordered reprinted and to be returned to the second reading file.

THIRD READING OF ASSEMBLY BILLS

HOUSE RESOLUTION NO. 6 (Hall)—Relative to Problem Gambling Awareness Week.

Resolution read.

**Members Made Coauthors of
House Resolution No. 6**

Assembly Member Hall was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 6.

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, Gorell, Grove, Hagman, Harkey, Hayashi, Roger Hernández, Hill, Huber, Hueso, Huffman, Jeffries, Jones, Lara, Logue, Bonnie Lowenthal, Ma, Mansoor, Mendoza, Miller, Mitchell, Monning, Nestande, Nielsen, Norby, Olsen, Pan, Perea, V. Manuel Pérez, Portantino, Skinner, Smyth, Solorio, Torres, Valadao, Wagner, Wieckowski, and Yamada.

Request for Unanimous Consent

Assembly Member Hall was granted unanimous consent to take up House Resolution No. 6, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of House Resolution No. 6, as Amended

HOUSE RESOLUTION NO. 6—Relative to Problem Gambling Awareness Week.
Resolution read, as amended, and adopted.

THIRD READING OF SENATE BILLS

SENATE CONCURRENT RESOLUTION NO. 9 (DeSaulnier)—Relative to California Teen Safe Driving Week.

Resolution presented by Assembly Member Perea.

Resolution read.

**Members Made Coauthors of
Senate Concurrent Resolution No. 9**

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

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, Conway, Cook, Davis, Dickinson, Donnelly, Eng, Feuer, Fletcher, Fong, Fuentes, Furutani, Garrick, Gatto, Gordon, Grove, Hagman, Halderman, Hall, Harkey, Hayashi, Roger Hernández, Hill, Huber, Hueso, Huffman, Jeffries, Jones, Knight, Lara, Logue, Bonnie Lowenthal, Ma, Mansoor, Mendoza, Miller, Mitchell, Monning, Morrell, Nestande, Nielsen, Norby, Olsen, Pan, Perea, V. Manuel Pérez, Portantino, Skinner, Solorio, Torres, Valadao, Wagner, Wieckowski, and Yamada.

Request for Unanimous Consent

Assembly Member Perea was granted unanimous consent to take up Senate Concurrent Resolution No. 9, as amended, without reference to print or file.

Consideration of Senate Concurrent Resolution No. 9, as Amended

SENATE CONCURRENT RESOLUTION NO. 9—Relative to California Teen Safe Driving Week.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

ADJOURN IN MEMORY

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 Richard P. DeGrey of La Cañada Flintridge.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Davis and Bradford were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Audrey Jean Quarles of Los Angeles.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Speaker pro Tempore Ma announced the following session schedule:
 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.

ADJOURN IN MEMORY

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 Guadalupe “Guero” Colorado Gonzalez of Los Angeles.

MOTION TO ADJOURN

At 12:27 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 12:27 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. 1403—Committee on Judiciary (Assembly Members Feuer (Chair), Atkins, Dickinson, Huber, Huffman, Monning, and Wieckowski). An act to amend Sections 222.5 and 662.5 of the Code of Civil Procedure, relating to civil actions.

ASSEMBLY BILL NO. 1404—Committee on Judiciary (Assembly Members Feuer (Chair), Atkins, Dickinson, Huber, Huffman, Monning, and Wieckowski). An act to amend Section 6213 of the Business and Professions Code, relating to attorneys.

ASSEMBLY BILL NO. 1405—Committee on Judiciary (Assembly Members Feuer (Chair), Atkins, Dickinson, Huber, Huffman, Monning, and Wieckowski). An act to add Section 69614.4 to the Government Code, relating to courts.

ASSEMBLY BILL NO. 1406—Committee on Judiciary (Assembly Members Feuer (Chair), Atkins, Dickinson, Huber, Huffman, Monning, and Wieckowski). An act to amend Section 2104 of the Family Code, relating to dissolution of marriage.

ASSEMBLY BILL NO. 1407—Committee on Judiciary (Assembly Members Feuer (Chair), Atkins, Dickinson, Huber, Huffman, Monning, and Wieckowski). An act to amend Section 51 of the Civil Code, relating to civil rights.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 32—Harkey. Relative to child sexual abuse.

ASSEMBLY CONCURRENT RESOLUTION NO. 33—Harkey. Relative to the Officer Richard T. Steed Memorial Highway.

HOUSE RESOLUTION NO. 10—Hayashi and Swanson. Relative to Chief Justice Earl Warren Day.

HOUSE RESOLUTION NO. 11—Ammiano and V. Manuel Pérez (Coauthor: Cedillo). Relative to domestic worker rights.

AUTHOR'S AMENDMENTS
Committee on Rules

March 7, 2011

Mr. Speaker: The Chair of your Committee on Rules reports:
Assembly Concurrent Resolution No. 18

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

SKINNER, Chair

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

Resolution read.

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

Committee on Health

March 7, 2011

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 310

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

MONNING, Chair

ASSEMBLY BILL NO. 310—An act to add Section 1367.225 to the Health and Safety Code, and to add Section 10123.197 to the Insurance Code, relating to health care coverage.

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.

March 7, 2011

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 272

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

MONNING, Chair

ASSEMBLY BILL NO. 272—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.

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.

Committee on Higher Education

March 7, 2011

Mr. Speaker: The Chair of your Committee on Higher Education reports:
Assembly Bill No. 334

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

BLOCK, Chair

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

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.

Committee on Education

March 7, 2011

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

Assembly Bill No. 339

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

BROWNLEY, Chair

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

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.

Committee on Transportation

March 7, 2011

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

Assembly Bill No. 292

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

LOWENTHAL, Chair

ASSEMBLY BILL NO. 292—An act to amend Section 29043 of the Food and Agricultural Code, relating to apiaries.

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.

Committee on Business, Professions and Consumer Protection

March 7, 2011

Mr. Speaker: The Chair of your Committee on Business, Professions and Consumer Protection reports:

Assembly Bill No. 389

Assembly Bill No. 536

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

HAYASHI, Chair

ASSEMBLY BILL NO. 389—An act to amend Section 2191 of the Business and Professions Code, and to add Article 5 (commencing with Section 125286.10) to Chapter 2 of Part 5 of Division 106 of the Health and Safety Code, relating to genetic diseases.

Bill read second time.

ADJOURNMENT

At 5 p.m., pursuant to the motion by Assembly Member Calderon, the Assembly adjourned until 7 a.m., Tuesday, March 8, 2011, out of respect to the memory of Richard P. DeGrey on motion of Assembly Member Portantino; out of respect to the memory of Audrey Jean Quarles on motion of Assembly Members Davis and Bradford; and out of respect to the memory of Guadalupe "Guero" Colorado Gonzalez on motion of Assembly Member Portantino.

FIONA MA, Speaker pro Tempore

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 7, 2011**

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

AB RN

125 1112382
272 1112321
292 1108470
310 1110565
334 1110449
339 1108966
389 1112489
536 1110774

ACR RN

18 1112292

SB RN

69 1112827 (Proposed Conference Report)

Daily Total: 9

Cumulative Total: 47

O