

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, March 8, 2011**

**THIRTY-NINTH SESSION DAY**

**NINETY-THIRD 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

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Tuesday, March 8, 2011

The Assembly met at 7 a.m.

Hon. Isadore Hall, Assembly Member, 52nd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Reading Clerk Timothy Morland reading.

#### ROLL CALL

The following were placed upon the morning roll call—72:

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

Quorum present.

**At 1:30 p.m., Hon. Norma Torres, 61st District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Cedillo, Davis, Portantino, and Silva.*

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

*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

*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 Check-in Session on Tuesday, March 8th, 2011 due to legislative business in my district. I will be traveling to my district to vote on the Los Angeles City elections. Consideration of this request is greatly appreciated.

Sincerely,

GILBERT CEDILLO, Assembly Member  
Forty-fifth District

March 7, 2011

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

Dear Mr. Speaker: I am respectfully requesting to be excused from Check-in Session on Tuesday, March 8, 2011 due to legislative business in my district. If you have any questions, please contact Hervey Taylor at 319-2048. I appreciate your consideration of this request.

Sincerely,

MIKE DAVIS, Assembly Member  
Forty-eighth District

March 8, 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 Check-in Session on Tuesday, March 8, 2011 on legislative business. Please feel free to contact Michelle Morris-Battle, my scheduler, at 916-319-2044 if you have any questions. Thank you for your consideration of this request.

Sincerely,

ANTHONY J. PORTANTINO, Assembly Member  
Forty-fourth District

March 7, 2011

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

Dear Speaker Pérez: I am writing this letter to request to be excused from Assembly Check-in Session on Tuesday, March 8, 2011 on legislative business because I have meetings to attend in my district that day. Please contact me or my chief of staff, Paul Dress, at 916-319-2067 if there is anything else you or your staff need from me regarding this request.

Sincerely,

JIM SILVA, Assembly Member  
Sixty-seventh District

#### COMMUNICATIONS

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

March 8, 2011

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

RE: Tentative Agreement/Memoranda of Understanding (MOU) for Bargaining Unit (BU) 2, California Attorneys, Administrative Law Judges & Hearing Officers in State Employment (CASE)

Dear Mr. Wilson: Recently, the Department of Personnel Administration (DPA) reached a new Tentative Agreement/MOU with the union representing BU 2, CASE. The agreement will be effective April 1, 2011–July 1, 2013.

Copies of this tentative agreement are being delivered to you to be made available for review and to be noted as available for review in the Assembly Daily Journal.

The above mentioned tentative agreement and summaries can also be found by going to the following link:

<http://www.dpa.ca.gov/bargaining/contracts/index.htm>.

DPA is working to secure a legislative vehicle to approve the terms of the agreement.

Respectfully,

RONALD YANK  
Director

Above report referred to the Committee on Public Employees, Retirement and Social Security.

**SPECIAL COMMITTEE MEETINGS**

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

Agriculture, to convene jointly with Select Committee on High Speed Rail for California, on Thursday, March 17, 2011, at 2 p.m., in Madera County.

Select Committee on High Quality Early Childhood Education, on Friday, April 1, 2011, at 1:30 p.m., in Concord.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 8, 2011

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

Assembly Bill No. 272

Assembly Bill No. 334

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 8, 2011

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

Assembly Bill No. 292

Assembly Bill No. 310

Assembly Bill No. 339

Assembly Bill No. 389

Assembly Bill No. 536

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 8, 2011

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

Assembly Concurrent Resolution No. 18

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, March 8, 2011

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

Assembly Concurrent Resolution No. 125

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 34—Lara (Principal coauthor: Alejo).** Relative to ethnic studies.

**ASSEMBLY CONCURRENT RESOLUTION NO. 35—Roger Hernández (Coauthor: Harkey).** Relative to National Surgical Technologist Week.

**AUTHOR'S AMENDMENTS**  
**Committee on Rules**

March 8, 2011

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

House Resolution No. 4

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

SKINNER, Chair

**HOUSE RESOLUTION NO. 4**—Relative to California Agriculture 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.

**Committee on Environmental Safety and Toxic Materials**

March 8, 2011

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 640

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

WIECKOWSKI, Chair

**ASSEMBLY BILL NO. 640**—An act to amend Section 13385 of the Water Code, relating to water quality.

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 8, 2011

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

Assembly Bill No. 130

Assembly Bill No. 131

Assembly Bill No. 194

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

BLOCK, Chair

**ASSEMBLY BILL NO. 130**—An act to amend Section 68130.7 of, to amend, repeal, and add Section 68130.5 of, and to add Sections 66021.6, 66021.7, and 76300.5 to, the Education Code, relating to student financial aid.

Bill read second time.

**ASSEMBLY BILL NO. 131**—An act to add Section 69508.5 to the Education Code, relating to student financial aid.

Bill read second time.

**ASSEMBLY BILL NO. 194**—An act to add Section 66025.9 to the Education Code, relating to postsecondary education.

Bill read second time.

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

March 8, 2011

Mr. Speaker: The Chair of your Committee on Higher Education reports:  
Assembly Bill No. 288

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

BLOCK, Chair

**ASSEMBLY BILL NO. 288**—An act to add Section 76038 to the Education Code, relating to community college 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.

March 8, 2011

Mr. Speaker: The Chair of your Committee on Higher Education reports:  
Assembly Bill No. 404

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

BLOCK, Chair

**ASSEMBLY BILL NO. 404**—An act to add Chapter 5.6 (commencing with Section 66360) to Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary 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.

#### Committee on Revenue and Taxation

March 8, 2011

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 204  
Assembly Bill No. 279

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

PEREA, Chair

**ASSEMBLY BILL NO. 204**—An act to add Section 6378.2 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

**ASSEMBLY BILL NO. 279**—An act to add Section 6012.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

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

#### Committee on Judiciary

March 8, 2011

Mr. Speaker: The Chair of your Committee on Judiciary reports:  
Assembly Bill No. 22

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

FEUER, Chair

**ASSEMBLY BILL NO. 22**—An act to add Chapter 3.6 (commencing with Section 1024.5) to Part 2 of Division 2 of the Labor Code, relating to employment.

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 Labor and Employment**

March 8, 2011

Mr. Speaker: The Chair of your Committee on Labor and Employment reports:  
Assembly Bill No. 217  
Assembly Bill No. 240

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

SWANSON, Chair

**ASSEMBLY BILL NO. 217**—An act to amend Section 6404.5 of the Labor Code, relating to occupational safety and health.

Bill read second time.

**ASSEMBLY BILL NO. 240**—An act to amend Sections 98 and 1194.2 of the Labor Code, relating to employment.

Bill read second time.

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

#### **Committee on Business, Professions and Consumer Protection**

March 8, 2011

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

Assembly Bill No. 666

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

HAYASHI, Chair

**ASSEMBLY BILL NO. 666**—An act relating to public lands, 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.

#### **Committee on Education**

March 8, 2011

Mr. Speaker: The Chair of your Committee on Education reports:  
Assembly Bill No. 5

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

BROWNLEY, Chair

**ASSEMBLY BILL NO. 5**—An act to add Section 44665.5 to, and to add Article 10.7 (commencing with Section 44655) to, and to repeal Article 11 (commencing with Section 44660) of, Chapter 3 of Part 25 of Division 3 of Title 2 of, the Education Code, relating to certificated school employees.

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 Local Government**

March 8, 2011

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

Assembly Bill No. 33

Assembly Bill No. 468

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

SMYTH, Chair

**ASSEMBLY BILL NO. 33**—An act to amend Section 25060 of the Government Code, relating to local government.

Bill read second time.

**ASSEMBLY BILL NO. 468**—An act to amend Sections 98 and 98.02 of the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

**Committee on Transportation**

March 8, 2011

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

Assembly Bill No. 61

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

LOWENTHAL, Chair

**ASSEMBLY BILL NO. 61**—An act to add and repeal Chapter 6.2 (commencing with Section 1962) of Division 2.5 of the Streets and Highways Code, and to amend Sections 21251 and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.

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 Revenue and Taxation**

Date of Hearing: March 7, 2011

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 188

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

PEREA, Chair

Above bill re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE**

**ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 125, ordered to third reading.

**ADJOURNMENT**

At 5 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 9, 2011.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 8, 2011

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

<b>AB</b>	<b>RN</b>
5	1112758
22	1112452
33	1112676
61	1112463
130	1112651
131	1112649
194	1112570
204	1110429
217	1107942
240	1112325
279	1112200
288	1112648
404	1112533
468	1112150
640	1110325
666	1110417

<b>HR</b>	<b>RN</b>
4	1112871

<b>Daily Total:</b>	<b>17</b>
<b>Cumulative Total:</b>	<b>64</b>

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