

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 10, 2011

FORTY-FIRST SESSION DAY

NINETY-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
Thursday, March 10, 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 Gordon moved a quorum call of the Assembly.
Motion carried. Time, 9:01 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 9:03 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	Norby
Alejo	Cook	Hernández	Olsen
Allen	Dickinson	Hill	Pan
Ammiano	Donnelly	Huber	Perea
Atkins	Eng	Hueso	Pérez, V. Manuel
Beall	Feuer	Huffman	Portantino
Berryhill	Fletcher	Jones	Silva
Block	Fong	Knight	Skinner
Blumenfield	Fuentes	Lara	Smyth
Bonilla	Furutani	Logue	Solorio
Bradford	Galgiani	Lowenthal	Swanson
Brownley	Garrick	Ma	Torres
Buchanan	Gatto	Mansoor	Valadao
Butler	Gordon	Miller	Wagner
Calderon	Gorell	Mitchell	Wieckowski
Campos	Grove	Monning	Williams
Carter	Halderman	Morrell	Yamada
Cedillo	Hall	Nestande	Mr. Speaker
Chesbro	Harkey	Nielsen	

PRAYER

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

Lord, You are worshipped and glorified in heaven and on earth through all time and in every hour. You are patient and compassionate and You call everyone to salvation and the blessings to come. Accept our prayer this morning, Lord, and guide us to live according to Your commandments: sanctify our souls, cleanse our bodies, correct our thinking and purify our thoughts. Deliver us from every sorrow, evil and distress so that we may reach the knowledge of Your unapproachable glory, for You are blessed forever.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Achadjian 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 Allen, 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 personal business, and waiving per diem: Assembly Members Davis and Jeffries.

Because of illness: Assembly Member Mendoza.

The following Assembly Member was excused for the day, and his per diem was waived: Hagman.

COMMUNICATIONS

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

March 9, 2011

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

Dear Speaker Pérez: The Senate Rules Committee has made the following recommendations to joint committees:

- Joint Committee on Fisheries and Aquaculture—Senator Evans as Vice Chair
- Joint Committee on Rules—Senator Harman as Vice Chair
- Joint Legislative Sunset Review Committee—Senator Negrete McLeod as Vice Chair

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

SPECIAL COMMITTEE MEETINGS

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

Local Government, on Wednesday, March 16, 2011, at 1:30 p.m., in Room 444.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 10, 2011

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

Assembly Bill No. 311
 Assembly Bill No. 638
 Assembly Bill No. 686

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 10, 2011

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

Assembly Concurrent Resolution No. 17

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution 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>
423	J., E.D. & E.
624	Ins. and Rev. & Tax.
774	Health
775	G.O.
777	G.O.
781	Agri.
782	P.E.,R. & S.S.
783	B.,P. & C.P.
784	Health
785	E. & R. and L. Gov.
788	Health
789	Nat. Res.
791	Jud.
792	Health and Jud.
793	Ins.
794	Nat. Res. and Jud.
796	Nat. Res.
797	Higher Ed.
798	L. Gov.
799	Pub. S.
800	B.,P. & C.P.
801	Pub. S.
802	Ed.
803	Jud.
804	Ins.
805	H. & C.D. and Jud.
806	H. & C.D. and Jud.
807	Trans.
808	Hum. S.
809	Pub. S.
810	Jud.
811	Pub. S.
815	Ed.

817	-----	Jud.
818	-----	Nat. Res.
818	-----	L. Gov.
820	-----	Rev. & Tax.
821	-----	Rev. & Tax.
822	-----	Higher Ed.
823	-----	Hum. S.
828	-----	Hum. S.
829	-----	Pub. S.
830	-----	L. & E.
831	-----	Rev. & Tax.
833	-----	Hum. S.
834	-----	L. Gov.
835	-----	Higher Ed. and Ed.
838	-----	Nat. Res.
839	-----	Ed.
844	-----	Higher Ed.
845	-----	Trans.
847	-----	Health and B.,P. & C.P.
850	-----	Nat. Res. and B.,P. & C.P.
851	-----	Higher Ed.
852	-----	Higher Ed.
853	-----	Higher Ed. and V.A.
854	-----	Rev. & Tax.
856	-----	Rev. & Tax.
858	-----	B.,P. & C.P.
861	-----	Health
862	-----	Hum. S.
863	-----	Hum. S.
864	-----	U. & C.
865	-----	Rev. & Tax.
866	-----	Health
867	-----	E. & R.
868	-----	Trans. and E.S. & T.M.
887	-----	Jud.
894	-----	J., E.D. & E.
901	-----	B. & F. and J., E.D. & E.
916	-----	Health
918	-----	Pub. S.
920	-----	P.E.,R. & S.S.
921	-----	Nat. Res.
922	-----	Health
923	-----	L. & E.
925	-----	P.E.,R. & S.S. and Ed.
926	-----	B.,P. & C.P. and Health
927	-----	Health
930	-----	B.,P. & C.P.
931	-----	Nat. Res. and H. & C.D.
933	-----	P.E.,R. & S.S.
934	-----	Jud.
936	-----	H. & C.D.
937	-----	Trans.
938	-----	E.S. & T.M. and W.,P. & W.
939	-----	E.S. & T.M.

942	-----	Nat. Res.
943	-----	L. Gov.
945	-----	E. & R.
946	-----	Rev. & Tax.
947	-----	Ins.
948	-----	Higher Ed.
949	-----	Hum. S. and Pub. S.
950	-----	L. & E.
951	-----	P.E.,R. & S.S.
952	-----	Trans. and E. & R.
953	-----	Trans.
954	-----	L. Gov. and W.,P. & W.
955	-----	E.S. & T.M.
957	-----	Trans.
958	-----	B.,P. & C.P.
959	-----	Hum. S.
960	-----	Nat. Res. and E.S. & T.M.
963	-----	Nat. Res.
964	-----	L. Gov. and E.S. & T.M.
965	-----	Higher Ed.
966	-----	L. Gov.
968	-----	G.O.
970	-----	Higher Ed.
971	-----	Rev. & Tax.
972	-----	Health
973	-----	Jud.
975	-----	L. & E.
976	-----	U. & C.
979	-----	Rev. & Tax.
981	-----	B. & F.
982	-----	Nat. Res.
985	-----	E. & R.
986	-----	B. & F.
987	-----	L. & E.
988	-----	L. & E. and Jud.
989	-----	Health and Hum. S.
990	-----	Jud.
991	-----	B.,P. & C.P.
993	-----	Jud.
994	-----	G.O.
995	-----	Nat. Res.
996	-----	Pub. S.
997	-----	Jud.
1174	-----	Ed.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
22 -----	Ed.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
4 -----	Trans.

House

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

Senate Concurrent

<i>Resolution No.</i>	<i>Committee</i>
3 -----	Rls.
4 -----	Rls.
8 -----	Rls.

REQUEST FOR PHOTOGRAPHER

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

Assembly Bill No. 467 from the Committee on Water, Parks and Wildlife to the Committee on Environmental Safety and Toxic Materials;

Assembly Bill No. 628 from the Committee on Water, Parks and Wildlife to the Committee on Transportation;

Assembly Bill No. 741 from the Committee on Natural Resources to the Committee on Local Government.

RECESS

By unanimous consent, at 9:08 a.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Pan introduced Hon. Jack Chiang, Taiwan's Director General in San Francisco.

RECONVENED

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

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

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

ASSEMBLY BILL NO. 125 (Committee on Insurance)—An act to amend Sections 1758.96 and 1758.992 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

Bill presented by Assembly Member Solorio.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—72

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—72

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

NOES—None

Bill ordered transmitted to the Senate.

ADJOURN IN MEMORY

Assembly Member Galgiani was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Edmund S. “Ed” Coy of Stockton.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Beall was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Staff Sergeant Mark C. Wells, United States Army, resident of San Jose.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Speaker pro Tempore Ma announced the following session schedule:
Friday, March 11, 2011, Floor Session, upon call of the Speaker;
Saturday, March 12, 2011, Floor Session, upon call of the Speaker;
Sunday, March 13, 2011, Floor Session, upon call of the Speaker;
Monday, March 14, 2011, Floor Session, 12 noon.

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 Lily Ann Ruff of Agoura Hills.

Assembly Member Campos was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Allison Slater Flores and Betty Howard of San Jose.

Assembly Member Grove was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hy Seiden of Bakersfield.

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 John Gregory McFarlane of Palm Springs.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following item:

Assembly Bill No. 125 and Urgency: Bonilla, Brownley, and Fletcher—Aye.

MOTION TO ADJOURN

At 9:14 a.m., Assembly Member Allen moved that the Assembly do now adjourn.

Assembly Member Conway seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:14 a.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. 1409—Committee on Jobs, Economic Development, and the Economy (Assembly Members V. Manuel Pérez (Chair), Beall, Block, and Hueso). An act to amend Sections 13996.4 and 13996.55 of the Government Code, relating to economic development.

ASSEMBLY BILL NO. 1410—Committee on Jobs, Economic Development, and the Economy (Assembly Members V. Manuel Pérez (Chair), Beall, Block, and Hueso). An act to add the heading of Chapter 1 (commencing with Section 99500) to, to add Chapter 2 (commencing with Section 99520) and Chapter 3 (commencing with Section 99530) to, Title 20 of, and to repeal Chapter 8 (commencing with 8700) and Chapter 8.1 (commencing with 8710) of Division 1 of Title 2 of, the Government Code, and to amend Section 71103.5 of the Public Resources Code, relating to state government.

ASSEMBLY BILL NO. 1411—Committee on Jobs, Economic Development, and the Economy (Assembly Members V. Manuel Pérez (Chair), Beall, Block, and Hueso). An act to amend Sections 7076.1 and 7085.1 of, and to repeal Section 7085 of, the Government Code, relating to economic development.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 36—Williams (Coauthors: Eng, Fong, Furutani, Hayashi, Ma, Pan, and Yamada) (Coauthors: Senators Lieu, Liu, and Yee). Relative to Asian and Pacific Islander American Heritage Month.

AUTHOR'S AMENDMENTS

Committee on Health

March 10, 2011

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

Assembly Bill No. 300

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

MONNING, Chair

ASSEMBLY BILL NO. 300—An act to repeal and add Chapter 7 (commencing with Section 119300) of Part 15 of Division 104 of the Health and Safety Code, relating to body art.

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 Judiciary

March 10, 2011

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

Assembly Bill No. 934

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

FEUER, Chair

ASSEMBLY BILL NO. 934—An act to amend Section 47 of the Civil Code, relating to privileged communications.

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 Insurance

March 10, 2011

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

Assembly Bill No. 947

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

SOLORIO, Chair

ASSEMBLY BILL NO. 947—An act to amend Section 11734 of the Insurance Code, relating to workers’ compensation insurance.

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 10, 2011

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

Assembly Concurrent Resolution No. 22

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

BROWNLEY, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 22—Relative to California School Bullying Prevention 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.

March 10, 2011

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

Assembly Bill No. 1174

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

BROWNLEY, Chair

ASSEMBLY BILL NO. 1174—An act to amend Section 33534 of the Education Code, relating to pupil curriculum.

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 10, 2011

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 8

With the recommendation: Be adopted.

SKINNER, Chair

Above resolution ordered to third reading.

Date of Hearing: March 10, 2011

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 18

Assembly Concurrent Resolution No. 23

House Resolution No. 4

House Resolution No. 8

With the recommendation: Be adopted.

SKINNER, Chair

Above resolutions ordered to third reading.

MESSAGES FROM THE SENATE

Senate Chamber, March 10, 2011

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

Assembly Concurrent Resolution No. 10

GREGORY P. SCHMIDT, Secretary of the Senate

By Bernadette McNulty, Assistant Secretary

Above resolution ordered enrolled.

Senate Chamber, March 10, 2011

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Concurrent Resolution No. 9

GREGORY P. SCHMIDT, Secretary of the Senate

By Bernadette McNulty, Assistant Secretary

INTRODUCTION OF GUESTS

Assembly Member Perea, of the 31st Assembly District, introduced the Leadership Northern Tulare County organization.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Allen, the Assembly adjourned until 12 noon, Monday, March 14, 2011, and upon call of the Speaker, out of respect to the memory of Edmund S. "Ed" Coy on motion of Assembly Member Galgiani; out of respect to the memory of Staff Sergeant Mark C. Wells on motion of Assembly Member Beall; out of respect to the memory of Lily Ann Ruff on motion of Assembly Member Brownley; out of respect to the memory of Allison Slater Flores and Betty Howard on motion of Assembly Member Campos; out of respect to the memory of Hy Seiden on motion of Assembly Member Grove; and out of respect to the memory of John Gregory McFarlane on motion of Assembly Member V. Manuel Pérez.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 10, 2011**

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

AB RN

300 1112856
934 1112469
947 1112291
1174 1112003

ACR RN

22 1112946

Daily Total: 5

Cumulative Total: 73

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