

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 15, 2011

FORTY-THIRD SESSION DAY

ONE HUNDREDTH 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
Tuesday, March 15, 2011

The Assembly met at 7 a.m.

Hon. Martin Garrick, Assembly Member, 74th 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—77:

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

Quorum present.

At 1:28 p.m., Hon. V. Manuel Pérez, 80th 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 personal business, and waiving per diem: Assembly Member Fletcher.

Because of illness: Assembly Member Skinner.

COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

March 14, 2011

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

RE: Appointment of James Curry
to California Council on Criminal Justice

Dear Mr. Wilson: Please be advised I have appointed Mr. James Curry to the California Council on Criminal Justice. This is a pleasure appointment starting March 14, 2011.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

March 15, 2011

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

RE: Appointment of Laurence Kaplan
to California Board of Accountancy

Dear Mr. Wilson: Please be advised I have appointed Mr. Laurence Kaplan to the California Board of Accountancy. This is a term appointment starting March 15, 2011 and the expiration date is January 1, 2013.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

March 15, 2011

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

RE: Appointment of Todd Gloria to San Diego River Conservancy

Dear Mr. Wilson: Please be advised I have appointed Councilmember Todd Gloria to the San Diego River Conservancy. This is a term appointment starting March 15, 2011 and the expiration date is January 1, 2015.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

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

March 14, 2011

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

RE: Tentative Agreement/Memorandum of Understanding (MOU) for Bargaining Unit (BU) 7, California Statewide Law Enforcement Association (CSLEA)

Dear Mr. Wilson: Recently, the Department of Personnel Administration (DPA) reached a new Tentative Agreement/MOU with the union representing BU 7, CSLEA. The agreement will be effective the first month following ratification by the union—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>.

AB 951 (Perea) will be the legislative vehicle to approve the terms of this agreement.

Respectfully,

RONALD YANK
Director, Department of
Personnel Administration

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

Memorandum Of Understanding

A Memorandum of Understanding (MOU) reached with Bargaining Unit (BU) 7, dated March 14, 2011, was received in the Senate from the Department of Personnel Administration and filed pursuant to Senate Rule 29.4, and is hereby noted in the Assembly Journal.

SPECIAL COMMITTEE MEETINGS

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

Banking and Finance, on Monday, April 25, 2011, at 4 p.m.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 15, 2011

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

Assembly Bill No. 10	Assembly Bill No. 275
Assembly Bill No. 30	Assembly Bill No. 277
Assembly Bill No. 136	Assembly Bill No. 280
Assembly Bill No. 149	Assembly Bill No. 308
Assembly Bill No. 156	Assembly Bill No. 352
Assembly Bill No. 159	Assembly Bill No. 361
Assembly Bill No. 242	Assembly Bill No. 362
Assembly Bill No. 269	Assembly Bill No. 376

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 15, 2011

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

- Assembly Bill No. 229
- Assembly Bill No. 305
- Assembly Bill No. 313

- Assembly Bill No. 319
- Assembly Bill No. 715
- Assembly Bill No. 768

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 15, 2011

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

- Assembly Bill No. 409
- Assembly Bill No. 412
- Assembly Bill No. 414
- Assembly Bill No. 741

- Assembly Bill No. 851
- Assembly Bill No. 1379
- Assembly Bill No. 1388

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 15, 2011

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

- Assembly Bill No. 477

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1414—Committee on Natural Resources (Assembly Members Chesbro (Chair), Brownley, Dickinson, Grove, Halderman, Huffman, Monning, and Skinner). An act to amend Sections 4514, 4514.5, 4526, 4526.5, 4527, 4527.5, 4528.5, 4551.5, 4553, 4561, 4562.7, 4583.2, 4583.5, 4584, and 4603, to amend the heading of Article 3 (commencing with Section 4531) of Chapter 8 of Part 2 of Division 4 of, and to repeal Sections 4522, 4522.5, 4532, 4533, 4534, 4536, 4537, 4538, 4539, 4540, 4561.2, and 4561.3 of, the Public Resources Code, and to repeal Section 14 of Chapter 1290 of the Statutes of 1989, relating to forestry.

**AUTHOR’S AMENDMENTS
Committee on Health**

March 15, 2011

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

- Assembly Bill No. 152

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

MONNING, Chair

ASSEMBLY BILL NO. 152—An act to add Section 131057.5 to the Health and Safety Code, and to amend Section 18853 of, and to add Sections 17053.88 and 23688 to, the Revenue and Taxation Code, relating to food banks.

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 Jobs, Economic Development, and the Economy

March 15, 2011

Mr. Speaker: The Chair of your Committee on Jobs, Economic Development, and the Economy reports:

Assembly Bill No. 1207

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

V. MANUEL PÉREZ, Chair

ASSEMBLY BILL NO. 1207—An act to amend Section 305 of the Business and Professions Code, relating to the Department of Consumer Affairs.

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 15, 2011

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

Assembly Bill No. 780

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

PEREA, Chair

ASSEMBLY BILL NO. 780—An act to add Section 6376.4 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.

Committee on Public Safety

March 15, 2011

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 281

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

AMMIANO, Chair

ASSEMBLY BILL NO. 281—An act to amend Section 72 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.

March 15, 2011

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 190

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

AMMIANO, Chair

ASSEMBLY BILL NO. 190—An act to add Section 1463.29 to the Penal Code, relating to fines.

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 15, 2011

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 811

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

AMMIANO, Chair

ASSEMBLY BILL NO. 811—An act to amend Section 28235 of, and to add Article 6.1 (commencing with Section 27970) to, Chapter 4 of Division 6 of, Title 4 of Part 6 of, the Penal Code, relating to firearms.

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 Budget

March 15, 2011

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

Senate Bill No. 77

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

BLUMENFIELD, Chair

SENATE BILL NO. 77—An act relating to the Budget Act of 2011.

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 15, 2011

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

Assembly Bill No. 271

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

FEUER, Chair

ASSEMBLY BILL NO. 271—An act to amend Section 904.1 of the Code of Civil Procedure, relating to appeals.

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 15, 2011

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

Assembly Bill No. 379

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

FEUER, Chair

ASSEMBLY BILL NO. 379—An act to add Section 341.7 to the Code of Civil Procedure, and to add Article 5.5 (commencing with Section 1299) to Chapter 1 of Title 10 of Part 2 of the Penal Code, relating to bail.

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 15, 2011

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

Assembly Bill No. 251

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

BROWNLEY, Chair

ASSEMBLY BILL NO. 251—An act to add Section 52372.6 to, and to add and repeal Section 46308 of, the Education Code, relating to high 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.

Committee on Human Services

March 15, 2011

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 181

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

BEALL, Chair

ASSEMBLY BILL NO. 181—An act to amend Section 16164 of, and to add Section 16001.10 to, the Welfare and Institutions Code, relating to foster youth.

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 Water, Parks and Wildlife

March 15, 2011

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:
Assembly Bill No. 606

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

HUFFMAN, Chair

ASSEMBLY BILL NO. 606—An act to add Section 1507 to the Fish and Game Code, relating to fish and wildlife resources.

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 Natural Resources

March 15, 2011

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Assembly Bill No. 135

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

CHESBRO, Chair

ASSEMBLY BILL NO. 135—An act to amend, repeal, and add Section 39510 of the Health and Safety Code, relating to air pollution.

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 15, 2011

Mr. Speaker: The Chair of your Committee on Transportation reports:
Assembly Bill No. 907

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

LOWENTHAL, Chair

ASSEMBLY BILL NO. 907—An act to amend Sections 1190, 1191, 1196, 1196.1, and 1196.3 of the Harbors and Navigation Code, relating to harbors and ports.

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 15, 2011

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

Assembly Bill No. 253

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

SMYTH, Chair

ASSEMBLY BILL NO. 253—An act to amend Section 53891 of, and to add Section 53891.2 to, the Government Code, relating to local agencies.

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 15, 2011

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

Assembly Bill No. 249

Assembly Bill No. 324

Assembly Bill No. 389

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

HAYASHI, Chair

ASSEMBLY BILL NO. 249—An act to amend Section 7031 of the Business and Professions Code, relating to contractors.

Bill read second time.

ASSEMBLY BILL NO. 324—An act to add Section 15817.5 to the Government Code, relating to state buildings.

Bill read second time.

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.

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

Committee on Rules

March 15, 2011

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

Assembly Concurrent Resolution No. 29

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

SKINNER, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 29—Relative to Teen Dating Violence Awareness and Prevention Month.

Resolution read.

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

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

Date of Hearing: March 15, 2011

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 328

With the recommendation: Do pass.

FEUER, Chair

Above bill ordered to second reading.

Date of Hearing: March 15, 2011

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 141

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

FEUER, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Public Safety

Date of Hearing: March 15, 2011

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 123

Assembly Bill No. 220

Assembly Bill No. 355

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

AMMIANO, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 15, 2011

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 167

With the recommendation: Do pass, and be re-referred to the Committee on Veterans Affairs with recommendation: To Consent Calendar.

AMMIANO, Chair

Above bill re-referred to the Committee on Veterans Affairs.

Date of Hearing: March 15, 2011

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 142

With the recommendation: Do pass.

AMMIANO, Chair

Above bill ordered to second reading.

Committee on Rules

Date of Hearing: March 14, 2011

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 10

With amendments with the recommendation: Amend, and be adopted as amended.

SILVA, Vice Chair

Above resolution ordered to second reading.

Committee on Public Safety

Date of Hearing: March 15, 2011

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 177

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

AMMIANO, Chair

Above bill ordered to second reading.

Date of Hearing: March 15, 2011

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Joint Resolution No. 1

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations.

AMMIANO, Chair

Above resolution re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS****ASSEMBLY BILL NO. 233**—An act to add and repeal Article 4.5 (commencing with Section 18736) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 1 p.m., Wednesday, March 16, 2011.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 15, 2011**

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

AB	RN
135	1113494
152	1113301
181	1113170
190	1113176
233	1112963
249	1113027
251	1113215
253	1112460
271	1112737
281	1112112
324	1113318
379	1113495
389	1113499
606	1113514
780	1112082
811	1113255
907	1112641
1207	1112389

ACR	RN
29	1113488

SB	RN
77	1113569

Daily Total:	20
Cumulative Total:	141

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