

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Wednesday, March 23, 2011**  
**FORTY-EIGHTH SESSION DAY**  
**ONE HUNDRED 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.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, March 23, 2011

The Assembly met at 7 a.m.

Hon. Katcho Achadjian, Assembly Member, 33rd 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—74:

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

Quorum present.

**At 11:22 a.m., Hon. Connie Conway, 34th 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 Miller and Morrell.*

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

*On active duty military deployment, and waiving per diem (Assembly Journal, page 452): Assembly Member Gorell.*

*Because of illness: Assembly Member Galgiani.*

**EXPLANATIONS OF ABSENCE**

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

March 10, 2011

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

Dear Mr. Speaker: This letter is to respectfully request that I be excused from Assembly Check-in Session on Wednesday, March 23, 2011, as I have legislative business in my district. I will be conducting several meetings with constituents in my district office. Thank you for your consideration of this matter, if there are any questions please contact Jessica Sandin at (916) 319-2063.

Sincerely,

**MIKE MORRELL**, Assembly Member  
Sixty-third District

(NOTE: For letter explaining the absence of Assembly Member Miller on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Journal for March 22, 2011.)

**COMMUNICATIONS**

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

March 22, 2011

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

RE: Appointment of Brian Conley  
to California Student Aid Commission

Dear Mr. Wilson: Please be advised I have appointed Mr. Brian Conley to the California Student Aid Commission. This is a term appointment starting March 22, 2011 and the expiration date is January 1, 2015. Mr. Conley will be replacing Antonio Solorzano.

Sincerely,

**JOHN A. PÉREZ**  
Speaker of the Assembly

March 22, 2011

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

RE: Appointment of Jose Varela to Criminal and  
Traffic-Related Court-Ordered Debts Task Force

Dear Mr. Wilson: Please be advised I have appointed Mr. Jose Varela to the Criminal and Traffic-Related Court-Ordered Debts Task Force. This is a pleasure appointment starting March 22, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 23, 2011

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

Assembly Bill No. 472

Assembly Bill No. 588

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading file.

Assembly Chamber, March 23, 2011

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

Assembly Bill No. 349

Assembly Bill No. 681

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to the Consent Calendar.

Assembly Chamber, March 23, 2011

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

Assembly Joint Resolution No. 5

Assembly Concurrent Resolution No. 25

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered on file.

Assembly Chamber, March 23, 2011

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

Assembly Bill No. 65

Assembly Bill No. 178

Assembly Bill No. 182

Assembly Bill No. 231

Assembly Bill No. 264

Assembly Bill No. 288

Assembly Bill No. 462

Assembly Bill No. 566

Assembly Bill No. 611

Assembly Bill No. 620

Assembly Bill No. 651

Assembly Bill No. 753

Assembly Bill No. 943

Assembly Bill No. 1268

Assembly Bill No. 1326

Assembly Bill No. 1351

Assembly Bill No. 1352

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Health**

March 23, 2011

Mr. Speaker: The Chair of your Committee on Health reports:  
Assembly Bill No. 1394

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

MONNING, Chair

**ASSEMBLY BILL NO. 1394**—An act to amend Sections 15432, 15438, 15438.5, 15439, 15441, 15442, 15446, 15451.5, 15459, 15459.1, 15459.2, 15459.3, and 15459.4 of the Government Code, relating to health facility financing, and making an appropriation therefor.

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 Agriculture**

March 23, 2011

Mr. Speaker: The Chair of your Committee on Agriculture reports:  
Assembly Bill No. 781

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

GALGIANI, Chair

**ASSEMBLY BILL NO. 781**—An act to amend Section 51230 of the Government Code, relating to agricultural preserves.

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 23, 2011

Mr. Speaker: The Chair of your Committee on Local Government reports:  
Assembly Bill No. 1016

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

SMYTH, Chair

**ASSEMBLY BILL NO. 1016**—An act to add Sections 1102.18 and 3482.7 to the Civil Code, relating to nuisance.

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 23, 2011

Mr. Speaker: The Chair of your Committee on Education reports:  
Assembly Bill No. 709

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

BROWNLEY, Chair

**ASSEMBLY BILL NO. 709**—An act to amend Section 48853.5 of the Education Code, relating to foster children.

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 Aging and Long-Term Care**

March 23, 2011

Mr. Speaker: The Chair of your Committee on Aging and Long-Term Care reports:  
Assembly Bill No. 518  
Assembly Bill No. 574

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

YAMADA, Chair

**ASSEMBLY BILL NO. 518**—An act to amend Section 15630.1 of the Welfare and Institutions Code, relating to elder abuse.

Bill read second time.

**ASSEMBLY BILL NO. 574**—An act to amend Section 14598 of the Welfare and Institutions Code, relating to the elderly.

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 Elections and Redistricting**

March 23, 2011

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports:  
Assembly Bill No. 413

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

FONG, Chair

**ASSEMBLY BILL NO. 413**—An act to add and repeal Section 4001 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.

#### **Committee on Revenue and Taxation**

March 23, 2011

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 81

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

PEREA, Chair

**ASSEMBLY BILL NO. 81**—An act to add and repeal Section 6357.8 of 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; bill ordered reprinted, and to be re-referred to the committee.

**Committee on Public Employees, Retirement and Social Security**

March 23, 2011

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 646

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

FURUTANI, Chair

**ASSEMBLY BILL NO. 646**—An act to amend Sections 3505 and 3505.2 of, to add Section 3505.5 to, and to repeal and add Section 3505.4 of, the Government Code, relating to local public employee organizations.

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 23, 2011

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 134

Assembly Bill No. 1299

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

HUFFMAN, Chair

**ASSEMBLY BILL NO. 134**—An act to add Section 1486 to the Water Code, relating to water resources.

Bill read second time.

**ASSEMBLY BILL NO. 1299**—An act to add Chapter 9 (commencing with Section 7095) to Part 1.7 of Division 6 of the Fish and Game Code, relating to marine fisheries.

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 Public Safety**

March 23, 2011

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

Assembly Bill No. 765

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

AMMIANO, Chair

**ASSEMBLY BILL NO. 765**—An act to amend Sections 243 and 261 of the Penal Code, relating to crimes.

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 23, 2011

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

Senate Bill No. 79

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

BLUMENFIELD, Chair

**SENATE BILL NO. 79**—An act to amend Sections 12009, 12201, 12204, 12207, 12242, 12251, 12253, 12254, 12257, 12258, 12260, 12301, 12302, 12303, 12304, 12305, 12307, 12412, 12413, 12421, 12422, 12423, 12427, 12428, 12429, 12431, 12433, 12434, 12491, 12493, 12494, 12601, 12602, 12631, 12632, 12636, 12636.5, 12679, 12681, 12801, 12951, 12977, 12983, 12984, 13108, 17276.1, 17276.20, 23101, 24416.1, 24416.20, and 25128 of, to amend and repeal Sections 17053.33, 17053.34, 17053.45, 17053.46, 17053.47, 17053.70, 17053.74, 17053.75, 17235, 17267.2, 17267.6, 17268, 17276.2, 17276.4, 17276.5, 17276.6, 23612.2, 23622.7, 23622.8, 23633, 23634, 23645, 23646, 24356.6, 24356.7, 24356.8, 24384.5, 24416.2, 24416.4, 24416.5, and 24416.6 of, to amend, repeal, and add Section 25136 of, to add Sections 17053.31 and 23611 to, to repeal Section 25128.5 of, and to repeal and add Sections 17276.22 and 24416.22 of, the Revenue and Taxation Code, to amend Sections 1661, 4601, 5902.5, and 9552 of the Vehicle Code, and to amend Section 14301.11 of the Welfare and Institutions Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately, bill related to the budget.

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 Health

Date of Hearing: March 22, 2011

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 30  
 Assembly Bill No. 300  
 Assembly Bill No. 715

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

MONNING, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 22, 2011

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 152

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

MONNING, Chair

Above bill re-referred to the Committee on Revenue and Taxation.

Date of Hearing: March 22, 2011

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 186  
 Assembly Bill No. 272

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

MONNING, Chair

Above bills re-referred to the Committee on Appropriations.

### Committee on Human Services

Date of Hearing: March 22, 2011

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 313

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

BEALL, 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. 44

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

AMMIANO, Chair

Above bill ordered to second reading.

**Committee on Human Services**

Date of Hearing: March 22, 2011

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 159

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

BEALL, Chair

Above bill ordered to second reading.

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

**ASSEMBLY BILL NO. 472**—An act to add Section 11376.5 to the Health and Safety Code, relating to controlled substances.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 349**—An act to amend Section 35401.7 of the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 19**—An act to add Chapter 8.5 (commencing with Section 537) to Division 1 of the Water Code, relating to water.

Bill read second time; amendments proposed by the Committee on Water, Parks and Wildlife read and adopted; bill ordered reprinted and to be re-referred to the Committee on Housing and Community Development.

**ASSEMBLY BILL NO. 454**—An act to amend Sections 527.6, 527.8, and 527.85 of the Code of Civil Procedure, to amend Section 6345 of the Family Code, and to amend Sections 213.5 and 15657.03 of the Welfare and Institutions Code, relating to protective orders.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 681**—An act to amend Section 13009.6 of the Health and Safety Code, relating to emergency response.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 588**—An act to amend Section 1946.7 of the Civil Code, relating to tenancy.

Bill read second time, and ordered to third reading.

**ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 7 a.m., Thursday, March 24, 2011.

---

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 23, 2011**

---

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

<b>AB</b>	<b>RN</b>
19	1114048
81	1113912
134	1114053
413	1113947
518	1113647
574	1112940
646	1113889
709	1113523
765	1113903
781	1114100
1016	1113526
1299	1113644
1394	1114059

<b>SB</b>	<b>RN</b>
79	1114248

<b>Daily Total:</b>	<b>14</b>
<b>Cumulative Total:</b>	<b>233</b>

O