### CALIFORNIA LEGISLATURE 2011–12 REGULAR SESSION

## ASSEMBLY DAILY JOURNAL

Wednesday, March 30, 2011

FIFTY-SECOND SESSION DAY

ONE HUNDRED FIFTEENTH 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 30, 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—76:

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

Quorum present.

### At 11:55 a.m., Hon. Steve Knight, 36th 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.

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

Because of illness in her family: Assembly Member Skinner.

### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 30, 2011

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

Assembly Bill No. 433

Assembly Bill No. 934

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, March 30, 2011

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

Assembly Bill No. 4
Assembly Bill No. 45
Assembly Bill No. 45
Assembly Bill No. 54
Assembly Bill No. 205
Assembly Bill No. 205
Assembly Bill No. 212
Assembly Bill No. 212
Assembly Bill No. 230
Assembly Bill No. 230
Assembly Bill No. 246
Assembly Bill No. 246
Assembly Bill No. 307
Assembly Bill No. 307
Assembly Bill No. 458

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

### Above bills re-referred to committee.

Assembly Chamber, March 30, 2011

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

Assembly Bill No. 484
Assembly Bill No. 654
Assembly Bill No. 654
Assembly Bill No. 668
Assembly Bill No. 670
Assembly Bill No. 670
Assembly Bill No. 680
Assembly Bill No. 1150
Assembly Bill No. 714
Assembly Bill No. 725
Assembly Bill No. 725
Assembly Bill No. 7301
Assembly Bill No. 7301

Assembly Bill No. 887

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

### **RESOLUTIONS**

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 10—Brownley. Relative to school-based health centers.

## **AUTHOR'S AMENDMENTS Committee on Appropriations**

March 30, 2011

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

Assembly Bill No. 2

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

FUENTES, Chair

ASSEMBLY BILL NO. 2—An act to amend Section 66903 of, to add Chapter 12.5 (commencing with Section 67050) and Chapter 12.7 (commencing with Section 67070) to Part 40 of Division 5 of Title 3 of, to repeal Sections 66742 and 66743 of, and to repeal Chapter 4.5 (commencing with Section 99180) of Part 65 of Division 14 of Title 3 of, the Education Code, relating to postsecondary education.

Bill read second time.

March 30, 2011

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

Assembly Bill No. 186

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

FUENTES, Chair

**ASSEMBLY BILL NO. 186**—An act to amend Section 120130 of the Health and Safety Code, relating to public health.

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 30, 2011

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

Assembly Bill No. 229

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

HAYASHI, Chair

**ASSEMBLY BILL NO. 229**—An act to amend Section 12410.5 of, to add Sections 12410.6, 12410.7, and 12410.9 to, and to add and repeal Section 12410.8 of, the Government Code, relating to audits.

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 30, 2011

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

Assembly Bill No. 609 Assembly Bill No. 1373

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

BROWNLEY, Chair

**ASSEMBLY BILL NO. 609**—An act to amend Section 41326.1 of the Education Code, relating to school districts.

Bill read second time.

**ASSEMBLY BILL NO. 1373**—An act to add Article 3.7 (commencing with Section 32230) to Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code, relating to pupils.

Bill read second time.

### **Committee on Environmental Safety and Toxic Materials**

March 30, 2011

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

Assembly Bill No. 939

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

WIECKOWSKI, Chair

**ASSEMBLY BILL NO. 939**—An act to amend Sections 71100 and 71103.5 of, and to add Sections 71103.6 and 71103.7 to, the Public Resources Code, relating to the environment.

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 Health

March 30, 2011

Mr. Speaker: The Chair of your Committee on Health reports: Assembly Bill No. 389

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

MONNING, 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.

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 30, 2011

Mr. Speaker: The Chair of your Committee on Human Services reports: Assembly Bill No. 808

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

BEALL, Chair

**ASSEMBLY BILL NO. 808**—An act to amend Section 18901.6 of the Welfare and Institutions Code, relating to public social services.

Bill read second time.

March 30, 2011

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

Assembly Bill No. 671

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

BEALL, Chair

**ASSEMBLY BILL NO. 671**—An act to add Section 16501.4 to the Welfare and Institutions Code, relating to child welfare services.

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 30, 2011

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

Assembly Bill No. 622

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

FEUER, Chair

**ASSEMBLY BILL NO. 622**—An act to amend Section 939.1 of, and to add Sections 932.5 and 939.22 to, the Penal Code, relating to grand juries.

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 30, 2011

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

Assembly Bill No. 791

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

FEUER, Chair

**ASSEMBLY BILL NO. 791**—An act to amend Sections 361.5 and 366.21 of the Welfare and Institutions Code, relating to dependent 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 Public Employees, Retirement and Social Security

March 30, 2011

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

Assembly Bill No. 1151

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

FURUTANI, Chair

**ASSEMBLY BILL NO. 1151**—An act to amend Section 7513.7 of the Government Code, relating to investments.

Bill read second time.

### **Committee on Public Safety**

March 30, 2011

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

Assembly Bill No. 316 Assembly Bill No. 396 Assembly Bill No. 1402

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

AMMIANO, Chair

**ASSEMBLY BILL NO. 316**—An act to amend Sections 2805 and 2810 of the Vehicle Code, relating to vehicles.

Bill read second time.

**ASSEMBLY BILL NO. 396**—An act to add Section 14053.8 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

**ASSEMBLY BILL NO. 1402**—An act to amend Sections 527.6, 527.8, 527.85, and 527.9 of the Code of Civil Procedure, to amend Section 49330 of the Education Code, to amend Section 6389 of the Family Code, to amend Sections 6254 and 53071.5 of the Government Code, to amend Sections 166, 171c, 171.7, 186.22, 273.6, 626.95, 626.10, 629.52, 1203.4, 1203.4a, 2933.5, 2962, 11105, 11105.03, 11106, 12003, 23505, 25105, and 29510 of the Penal Code, and to amend Sections 8103 and 15657.03 of the Welfare and Institutions Code, relating to deadly weapons.

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 30, 2011

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

Assembly Bill No. 321

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

AMMIANO, Chair

**ASSEMBLY BILL NO. 321**—An act to add Section 729.14 to the Welfare and Institutions Code, relating to juveniles.

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 30, 2011

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

Assembly Bill No. 476 Assembly Bill No. 1206

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

LOWENTHAL, Chair

**ASSEMBLY BILL NO. 476**—An act to amend Section 22513 of, and to add Section 34625 to, the Vehicle Code, relating to vehicles.

Bill read second time.

**ASSEMBLY BILL NO. 1206**—An act to add Section 185034.1 to the Public Utilities Code, relating to high-speed rail.

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 30, 2011

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

Assembly Bill No. 1025

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

LOWENTHAL, Chair

**ASSEMBLY BILL NO. 1025**—An act to amend Sections 1113, 1126, 1127, 1136, 1140, 1156, 1157, 1157.1, 1157.5, 1158.1, 1171, 1171.5, 1176, 1180, 1180.3, 1180.6, 1181, 1182, 1183, 1191, 1196, 1196.1, and 1196.3 of, to amend and renumber Section 1159.1 of, to add Section 1171.6 to, and to repeal Section 1142 of, the Harbors and Navigation Code, relating to bar pilots, 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.

March 30, 2011

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

Assembly Bill No. 937

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

LOWENTHAL, Chair

**ASSEMBLY BILL NO. 937**—An act to add Section 39633 to the Health and Safety Code, relating to vessels.

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 30, 2011

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports: Assembly Bill No. 779

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

HUFFMAN, Chair

**ASSEMBLY BILL NO. 779**—An act to add Chapter 10 (commencing with Section 550) to Division 1 of the Water Code, relating to water.

Bill read second time.

## REPORTS OF STANDING COMMITTEES Committee on Elections and Redistricting

Date of Hearing: March 29, 2011

Mr. Speaker: Your Committee on Elections and Redistricting reports:

Assembly Bill No. 362

With the recommendation: Do pass.

FONG, Chair

Above bill ordered to second reading.

### **Committee on Higher Education**

Date of Hearing: March 29, 2011

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 611

With the recommendation: Do pass, and be re-referred to the Committee on Business, Professions and Consumer Protection.

BLOCK, Chair

Above bill re-referred to the Committee on Business, Professions and Consumer Protection.

Date of Hearing: March 29, 2011

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 853

With the recommendation: Do pass, and be re-referred to the Committee on Veterans Affairs

BLOCK, Chair

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

Date of Hearing: March 29, 2011

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 334

With the recommendation: Do pass.

BLOCK, Chair

Above bill ordered to second reading.

Date of Hearing: March 29, 2011

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 404
Assembly Bill No. 478
Assembly Bill No. 478
Assembly Bill No. 743
Assembly Bill No. 1013

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

BLOCK, Chair

Above bills re-referred to the Committee on Appropriations.

### Committee on Aging and Long-Term Care

Date of Hearing: March 29, 2011

Mr. Speaker: Your Committee on Aging and Long-Term Care reports:

Assembly Bill No. 40 Assembly Bill No. 518

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

YAMADA, Chair

Above bills re-referred to the Committee on Public Safety.

Date of Hearing: March 29, 2011

Mr. Speaker: Your Committee on Aging and Long-Term Care reports:

Assembly Bill No. 138

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

YAMADA, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 29, 2011

Mr. Speaker: Your Committee on Aging and Long-Term Care reports:

Assembly Bill No. 533

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

YAMADA, Chair

Above bill re-referred to the Committee on Human Services.

### Committee on Public Safety

Date of Hearing: March 22, 2011

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 543

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 Insurance**

Date of Hearing: March 30, 2011

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 228

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

SOLORIO, Chair

Above bill ordered to second reading.

Date of Hearing: March 30, 2011

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 624

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

SOLORIO, Chair

Above bill ordered to second reading.

### **Committee on Higher Education**

Date of Hearing: March 29, 2011

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 620 Assembly Bill No. 649

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

BLOCK, Chair

Above bills ordered to second reading.

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

Date of Hearing: March 30, 2011

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 455

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

FURUTANI, Chair

### Above bill ordered to second reading.

Date of Hearing: March 30, 2011

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 925

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

FURUTANI, Chair

### Above bill re-referred to the Committee on Education.

Date of Hearing: March 30, 2011

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 782 Assembly Bill No. 1028

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

FURUTANI, Chair

### Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 30, 2011

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 329

With the recommendation: Do pass.

FURUTANI, Chair

### Above bill ordered to second reading.

Date of Hearing: March 30, 2011

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 7
Assembly Bill No. 17
Assembly Bill No. 17
Assembly Bill No. 453
Assembly Bill No. 501

Assembly Bill No. 501

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

FURUTANI, Chair

### Above bills re-referred to the Committee on Appropriations.

### **Committee on Higher Education**

Date of Hearing: March 29, 2011

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 176

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

BLOCK, Chair

Above bill ordered to second reading.

Date of Hearing: March 29, 2011

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 835

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

BLOCK, Chair

Above bill ordered to second reading.

### **Committee on Insurance**

Date of Hearing: March 30, 2011

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 55 Assembly Bill No. 335 Assembly Bill No. 690

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

SOLORIO, Chair

Above bills 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 bills were this day on the second reading file:

Assembly Bills Nos. 433 and 934, ordered to third reading.

### SECOND READING OF ASSEMBLY BILLS

**ASSEMBLY BILL NO. 298**—An act to add Section 42253.5 to the Public Resources Code, relating to recycling.

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

**ASSEMBLY BILL NO. 752**—An act to add Section 6315 to the Public Resources Code, relating to tidelands and submerged lands.

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

 $\textbf{ASSEMBLY BILL NO. 173} \\ - \text{An act to amend Section 354.4 of the Code of Civil Procedure, relating to Armenian Genocide.}$ 

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

### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 29, 2011

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

Assembly Bill No. 50 and reports the same correctly enrolled, and presented to the Governor on the

And reports the same correctly enrolled, and presented to the Governor on the 29th day of March, 2011, at 5:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, March 30, 2011

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 36

And reports the same correctly enrolled, and presented to the Governor on the 30th day of March, 2011, at 3:15 p.m.

E. DOTSON WILSON, Chief Clerk

### **ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 9 a.m., Thursday, March 31, 2011.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

# AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 30, 2011

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

AB	RN
2	1114252
173	1114692
186	1114771
229	1114462
298	1114292
316	1114639
321	1114175
389	1114750
396	1114029
476	1114638
609	1114796
622	1114602
671	1114482
752	1114294
779	1114460
791	1114748
808	1114139
937	1114420
939	1114769
1025	1114421
1151	1114064
1206	1114416
1373	1112702
1402	1114548

Daily Total: 24 Cumulative Total: 361