

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 3, 2011

SIXTY-SEVENTH SESSION DAY

ONE HUNDRED FORTY-NINTH 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, May 3, 2011

The Assembly met at 7 a.m.

Hon. Mariko Yamada, Assembly Member, 8th 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	Nielsen
Alejo	Cook	Hernández	Norby
Allen	Davis	Hill	Olsen
Ammiano	Dickinson	Huber	Pan
Atkins	Donnelly	Hueso	Pera
Beall	Eng	Huffman	Pérez, V. Manuel
Berryhill	Feuer	Jeffries	Portantino
Block	Fong	Jones	Silva
Blumenfield	Fuentes	Knight	Skinner
Bonilla	Furutani	Lara	Smyth
Bradford	Galgiani	Logue	Solorio
Brownley	Garrick	Lowenthal	Swanson
Buchanan	Gatto	Ma	Torres
Butler	Gordon	Mansoor	Valadao
Calderon	Grove	Miller	Wagner
Campos	Hagman	Mitchell	Wieckowski
Carter	Halderman	Monning	Williams
Cedillo	Hall	Morrell	Yamada
Chesbro	Harkey	Nestande	Mr. Speaker

Quorum present.

At 2:02 p.m., Hon. Bill Berryhill, 26th 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: Assembly Member Mendoza.

COMMUNICATIONS

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

May 2, 2011

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

Dear Dotson: Please be advised that I have appointed Assemblymember Warren Furutani to replace Assemblymember Tony Mendoza on the Assembly Arts, Entertainment, Sports, Tourism and Internet Media Committee for the Tuesday, May 3 hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

May 2, 2011

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

Dear Dotson: Please be advised that I have appointed Assemblymember Mike Gatto to replace Assemblymember Tony Mendoza on the Assembly Elections and Redistricting Committee for the Tuesday, May 3 hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

May 3, 2011

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

Dear Dotson: Please be advised that I have appointed Assemblymember Katcho Achadjian to replace Assemblymember Jeff Gorell on the Assembly Utilities and Commerce Committee for the Wednesday, May 4 hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Joint Sunset Review, on Wednesday, May 18, 2011, at 9:30 a.m., in Room 127.

Public Employees, Retirement and Social Security, on Wednesday, May 18, 2011, at 1 p.m., in Room 127.

Transportation, to convene jointly with Budget Subcommittee No. 3 on Resources and Transportation on Monday, May 9, 2011, at 1:30 p.m., in Room 4202.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 3, 2011

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

Assembly Bill No. 74
 Assembly Bill No. 146
 Assembly Bill No. 155
 Assembly Bill No. 374

Assembly Bill No. 679
 Assembly Bill No. 849
 Assembly Bill No. 1338
 Assembly Bill No. 1408

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 3, 2011

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

Assembly Bill No. 78
 Assembly Bill No. 144
 Assembly Bill No. 218
 Assembly Bill No. 450
 Assembly Bill No. 612
 Assembly Bill No. 726

Assembly Bill No. 912
 Assembly Bill No. 943
 Assembly Bill No. 1130
 Assembly Bill No. 1176
 Assembly Bill No. 1375
 Assembly Bill No. 1376

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 3, 2011

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

Assembly Bill No. 147
 Assembly Bill No. 130

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading file.

Assembly Chamber, May 3, 2011

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

Assembly Concurrent Resolution No. 27

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered returned to third reading file.

Assembly Chamber, May 3, 2011

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

Assembly Concurrent Resolution No. 35

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 20—Jeffries. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 9 of Article II thereof, and by amending Sections 3, 4, 10, and 11 of Article IV thereof, relating to the Legislature.

HOUSE RESOLUTION NO. 13—Yamada. Relative to Elder and Vulnerable Adult Abuse Awareness Month.

AUTHOR'S AMENDMENTS
Committee on Appropriations

May 3, 2011

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

Assembly Bill No. 529

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

FUENTES, Chair

ASSEMBLY BILL NO. 529—An act to amend Section 21400 of the Vehicle Code, relating to 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.

Committee on Environmental Safety and Toxic Materials

May 3, 2011

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

Senate Bill No. 646

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

WIECKOWSKI, Chair

SENATE BILL NO. 646—An act to amend Section 25214.3 of the Health and Safety Code, relating to toxics.

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 Governmental Organization

May 3, 2011

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:

Assembly Bill No. 775

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

HALL, Chair

ASSEMBLY BILL NO. 775—An act to add Section 25503.34 to the Business and Professions Code, relating to alcoholic beverages.

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 Transportation

Date of Hearing: May 2, 2011

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 470
 Assembly Bill No. 1298
 Assembly Bill No. 1323

With the recommendation: Do pass.

LOWENTHAL, Chair

Above bills ordered to second reading.

Date of Hearing: May 2, 2011

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 306
 Assembly Bill No. 432
 Assembly Bill No. 628

Assembly Bill No. 768
 Assembly Bill No. 1358

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

LOWENTHAL, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: May 2, 2011

Mr. Speaker: Your Committee on Transportation reports:

Assembly Concurrent Resolution No. 15
 Assembly Concurrent Resolution No. 31
 Assembly Concurrent Resolution No. 33
 Assembly Concurrent Resolution No. 37
 Assembly Concurrent Resolution No. 39
 Assembly Concurrent Resolution No. 41

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

LOWENTHAL, Chair

Above resolutions re-referred to the Committee on Appropriations.

Date of Hearing: May 2, 2011

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 28
 Assembly Bill No. 292
 Assembly Bill No. 471

Assembly Bill No. 1097
 Assembly Bill No. 1099
 Assembly Bill No. 1128

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

LOWENTHAL, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: May 2, 2011

Mr. Speaker: Your Committee on Transportation reports:

Assembly Concurrent Resolution No. 46

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

LOWENTHAL, Chair

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: May 2, 2011

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1389

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

LOWENTHAL, Chair

Above bill ordered to second reading.

Date of Hearing: May 2, 2011

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1104

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

LOWENTHAL, Chair

Above bill ordered to second reading.

Date of Hearing: May 2, 2011

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1229

With amendments with the recommendation: Do pass, as amended, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

LOWENTHAL, Chair

Above bill ordered to second reading.

Committee on Environmental Safety and Toxic Materials

Date of Hearing: April 26, 2011

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 1292

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

WIECKOWSKI, Chair

Above bill ordered to second reading.

Date of Hearing: April 26, 2011

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 938

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

WIECKOWSKI, Chair

Above bill ordered to second reading.

Date of Hearing: April 26, 2011

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 1200

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

WIECKOWSKI, Chair

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: May 2, 2011

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

Assembly Bill No. 686

Assembly Bill No. 1086

Assembly Bill No. 1090

With the recommendation: Do pass.

PEREA, Chair

Above bills ordered to second reading.

Date of Hearing: May 2, 2011

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

Assembly Bill No. 152

Assembly Bill No. 624

Assembly Bill No. 509

Assembly Bill No. 1307

Assembly Bill No. 585

Assembly Bill No. 1352

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

PEREA, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Banking and Finance

Date of Hearing: May 2, 2011

Mr. Speaker: Your Committee on Banking and Finance reports:

Assembly Bill No. 571

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.

ENG, Chair

Above bill ordered to second reading.

Date of Hearing: May 2, 2011

Mr. Speaker: Your Committee on Banking and Finance reports:

Assembly Bill No. 1076

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

ENG, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: May 2, 2011

Mr. Speaker: Your Committee on Banking and Finance reports:

Assembly Bill No. 1219

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

ENG, Chair

Above bill re-referred to the Committee on Judiciary.

Committee on Revenue and Taxation

Date of Hearing: May 2, 2011

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

Assembly Bill No. 1175

Assembly Bill No. 1424

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

PEREA, Chair

Above bills ordered to second reading.

Committee on Judiciary

Date of Hearing: May 3, 2011

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 126

Assembly Bill No. 452

Assembly Bill No. 1114

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

FEUER, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: May 3, 2011

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 212

Assembly Bill No. 1211

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

FEUER, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Natural Resources

Date of Hearing: May 2, 2011

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 1314

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

CHESBRO, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: May 2, 2011

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 296

Assembly Bill No. 1095

Assembly Bill No. 723

Assembly Bill No. 1303

Assembly Bill No. 1019

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

CHESBRO, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Judiciary

Date of Hearing: May 3, 2011

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1074

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

FEUER, Chair

Above bill re-referred to the Committee on Utilities and Commerce.

Committee on Education

Date of Hearing: April 27, 2011

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 815

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

BROWNLEY, Chair

Above bill ordered to second reading.

Date of Hearing: April 27, 2011

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 269

Assembly Bill No. 1033

Assembly Bill No. 790

Assembly Bill No. 1330

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

BROWNLEY, Chair

Above bills ordered to second reading.

Committee on Housing and Community Development

Date of Hearing: April 27, 2011

Mr. Speaker: Your Committee on Housing and Community Development reports:
Assembly Bill No. 1103

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

TORRES, Chair

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, May 2, 2011

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

Senate Bill No. 94

GREGORY P. SCHMIDT, Secretary of the Senate
By Bernadette McNulty, Assistant Secretary

Senate Chamber, May 2, 2011

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

Senate Bill No. 151
Senate Bill No. 687

Senate Bill No. 738
Senate Bill No. 860

GREGORY P. SCHMIDT, Secretary of the Senate
By Bernadette McNulty, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 151—An act to amend Sections 19829.97, 19829.98, 20677.5, 20677.71, 20677.91, 20677.95, 20682, 20683.1, and 22944.3 of, to amend and renumber Section 18929.96 of, and to repeal and amend Sections 20677.6 and 20677.9 of, the Government Code, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 687—An act to add Section 1111.5 to the Penal Code, relating to criminal procedure.

SENATE BILL NO. 738—An act to amend Section 23055 of the Business and Professions Code, relating to alcoholic beverages.

SENATE BILL NO. 860—An act to amend Section 11 of Chapter 203 of the Statutes of 2009, relating to tidelands and submerged lands.

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. 542 and 835, ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 265—An act to amend Section 1179 of the Code of Civil Procedure, relating to tenancies.

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.

ASSEMBLY BILL NO. 469—An act to amend Sections 98, 226, 240, 243, and 1174 of, and to add Sections 1194.3, 1197.2, 1206, and 2811 to, the Labor Code, relating to employment.

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

ASSEMBLY BILL NO. 794—An act to amend Sections 42461, 42474, 42476, and 42479 of the Public Resources Code, relating to solid waste.

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

ASSEMBLY BILL NO. 1111—An act to add Section 1463.011 to the Penal Code, relating to debt collection.

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

ASSEMBLY BILL NO. 171—An act to add Section 1374.73 to the Health and Safety Code, and to add Section 10144.51 to the Insurance Code, relating to health care coverage.

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

ASSEMBLY BILL NO. 1329—An act to amend Section 103885 of the Health and Safety Code, relating to disease reporting.

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

ASSEMBLY BILL NO. 52—An act to amend Section 1386 of, and to add Article 6.1 (commencing with Section 1385.001) to Chapter 2.2 of Division 2 of, the Health and Safety Code, and to add Article 4.4 (commencing with Section 10180.1) to Chapter 1 of Part 2 of Division 2 of the Insurance Code, relating to health care coverage.

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

ASSEMBLY BILL NO. 714—An act to amend Section 127420 of, and to add Sections 104164, 120971.5, and 120971.6 to, the Health and Safety Code, to add Sections 12693.78, 12693.79, 12698.45, 12734, and 12739.615 to the Insurance Code, and to add Sections 14029.9 and 14105.182 to the Welfare and Institutions Code, relating to health care coverage.

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

ASSEMBLY BILL NO. 1156—An act to amend Sections 32283, 48204, and 48900 of the Education Code, relating to pupils.

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

ASSEMBLY BILL NO. 1368—An act to add Section 49417 to the Education Code, relating to pupils.

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

ASSEMBLY BILL NO. 614—An act to amend Section 48321 of the Education Code, relating to school attendance.

Bill read second time; amendments proposed by the Committee on Education read and adopted; bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 3, 2011

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

Assembly Concurrent Resolution No. 24

And reports the same correctly enrolled, and presented to the Secretary of State on the 3rd day of May, 2011, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 4, 2011.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 3, 2011**

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

AB	RN
52	1117041
171	1116148
265	1116714
469	1116735
529	1116723
614	1116880
714	1116615
775	1116786
794	1116708
1111	1116743
1156	1116883
1329	1116649
1368	1116885

SB	RN
646	1116195

Daily Total:	14
Cumulative Total:	1158

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