CALIFORNIA LEGISLATURE 2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, June 9, 2011 NINETIETH SESSION DAY ONE HUNDRED EIGHTY-SIXTH 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, June 9, 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 Hagman moved a quorum call of the Assembly. Motion carried. Time, 9 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:

PRAYER

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

Lord, This morning, we come boldly to You in prayer to thank You for Your goodness and Your blessings in our life. Let our faith in You be as pure and innocent as the faith of a child. Help us to see You in every aspect of our life and grant that our inner thoughts of You throughout the day will be reflected in our interactions with others.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Ma, Assembly Member Nestande 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 Hagman.

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 Charles Calderon and Portantino.

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

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

Because of illness: Assembly Member Bonilla.

EXPLANATIONS OF ABSENCE

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

June 8, 2011

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

Dear Speaker Pérez: I respectfully request to be excused from Session on Thursday, June 9, 2011 due to legislative business in my district. Thank you for your consideration of this request.

Sincerely,

CHARLES M. CALDERON, Assembly Member Fifty-eighth District

June 9, 2011

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

Dear Speaker: I respectfully request to be excused from Legislative Floor Session this morning; I was on the Floor when Session was called to order. I briefly left to do State Business defending the Dream Act. I was participating and voting in the Higher Education Committee by 9:57 a.m. Thank you for your consideration of this request.

Sincerely,

ANTHONY J. PORTANTINO, Assembly Member Forty-fourth District

SPECIAL COMMITTEE MEETINGS

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

Local Government, on Wednesday, June 22, 2011, at 1:30 p.m., in Room 444.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Concurrent	
Resolution No.	Committee
64	Rls.
Assembly Joint	
Resolution No.	Committee
13	Health
Senate	
Bill No.	Committee
15	
20	
41	
53	B.,P. & C.P. and B. & F.
131	
132	Ed.
136	Health
150	$_{-}$ H. & C.D. and Jud.
162	
	L. Gov. and Nat. Res.
177	Health
202	E. & R.
211	Nat. Res.
221	
233	
	L. Gov. and H. & C.D.
272	
276	
285	Pub. S.

292 Higher Ed.
294 P.E.,R. & S.S.
299 L. & E.
309Hum. S.
326Jud.
328Jud.
333Trans.
336Health
340G.O.
361Ed.
364 Rev. & Tax.
368Hum. S.
380B.,P. & C.P.
382 Hum. S.
384Jud.
405 Jud.
408 Health
415E. & R.
416 Health
427Pub. S.
429 Ed.
430Pub. S.
431 B.,P. & C.P. and Health
432L. & E.
442Health
446L. Gov.
457 Ins. 468 Trans. and Nat. Res.
469 L. Gov. and Nat. Res.
473Ed.
474Jud.
477Ed.
488 E. & R.
493 B.,P. & C.P.
493 B,P. & C.P. 497 B,P. & C.P.
497 B.P. & C.P. 500 Ed.
497 B.,P. & C.P.
497 B.P. & C.P. 500 Ed. Ed. 507 Rev. & Tax. 509 Ed.
497 B.P. & C.P. 500 Ed. Ed. 507 Rev. & Tax. 509 Ed.
497 B.P. & C.P. 500 Ed. Ed. 507 Rev. & Tax.
497B.P. & C.P. 500Ed. 507Rev. & Tax. 509Ed. 510B.P. & C.P. and B. & F.
497B.,P. & C.P. 500Ed. 507Rev. & Tax. 509Ed. 510B.,P. & C.P. and B. & F. 513Agri. 514Pub. S.
497B.,P. & C.P. 500Ed. 507Ed. 509Ed. 510B.,P. & C.P. and B. & F. 513Agri. 514Pub. S. 517Trans.
497B.,P. & C.P. 500Ed. 507Ed. 509Ed. 510B.,P. & C.P. and B. & F. 513Agri. 514Pub. S. 517Trans. 540B.,P. & C.P.
497B.,P. & C.P. 500Ed. 507Ed. 509Ed. 510B.,P. & C.P. and B. & F. 513Agri. 514Pub. S. 517Trans.
497B.,P. & C.P. 500Ed. 507Ed. 509Ed. 510B.,P. & C.P. and B. & F. 513Agri. 514Pub. S. 517Trans. 540B.,P. & C.P. 543B.,P. & C.P. 547Ed.
497
497
497
497 B.P. & C.P. 500 Ed. 507 Rev. & Tax. 509 Ed. 510 B.P. & C.P. and B. & F. 513 Agri. 514 Pub. S. 517 Trans. 540 B.P. & C.P. 543 B.P. & C.P. 547 Ed. 549 Agri. 550 B.P. & C.P. and Pub. S. 557 Pub. S. and Jud. 558 Jud.
497

570 Trans.
576 Pub. S.
580 W.,P. & W.
582 Trans.
586 B. & F. and Pub. S.
589 E.S. & T.M.
590Ins.
594 Health
595 Nat. Res. and Jud.
610Pub. S.
611 Higher Ed. and Ed.
612 Higher Ed. and Ed.
615 Health and Ins.
641E. & R.
643B,P. & C.P.
645Ed.
647Jud. and Rev. & Tax.
651Jud.
676 Pub. S. and Agri.
695 Health
702 B.,P. & C.P.
705 U. & C.
706 B.,P. & C.P.
707 Agri.
718 Aging & L.T.C.
724 Trans.
728 Health
739 Trans.
740 Ed.
744 B.,P. & C.P.
745 Ed.
752W.,P. & W.
757Health and Jud.
760 Higher Ed.
776L. & E.
779Ed.
796Pub. S.
819Pub. S.
822Budget
823 B.,P. & C.P. and Jud.
827Ed.
847 Health and L. Gov. 850 Health and Jud.
857Jud.
879U. & C.
888Pub. S.
897Aging & L.T.C.
903P.E.,R. & S.S. and Jud
908E. & R.
910Trans.
914 Pub. S.

917	Pub. S.
919	Ed.
929	Trans.
943	B.,P. & C.P.
Senate Concurrent	
Resolution No.	Committee
39	Rls.
41	Rls.
Senate Joint	
Resolution No.	Committee
6	Health

REQUEST FOR PHOTOGRAPHER

Assembly Members Pan, Halderman, and Swanson were granted unanimous consent that photographers be permitted on the Floor of the Assembly.

RE-REFERENCE OF BILLS PURSUANT TO ASSEMBLY RULE 96(a)

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

Senate Bill No. 293 from the Committee on Judiciary to the Committee on Business, Professions and Consumer Protection, and to be returned to the Committee on Judiciary;

Senate Bill No. 869 from the Committee on Transportation to the Committee on Business, Professions and Consumer Protection;

Senate Bill No. 332 from the Committee on Governmental Organization to the Committee on Judiciary, and to be returned to the Committee on Governmental Organization.

RECESS

By unanimous consent, at 9:08 a.m., Speaker pro Tempore Ma declared the Assembly recessed to convene the First Extraordinary Session.

RECONVENED

At 9:10 a.m., the Assembly reconvened.

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

RECESS

By unanimous consent, at 9:10 a.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Pan introduced Andrew Mills, a recent graduate of Jesuit High School in Carmichael, and presented a Members' Resolution congratulating him on being named the 2011 California Interscholastic Federation/Farmers Male Scholar-Athlete of the Year.

Assembly Member Swanson introduced Valerie Fong, a student at Alameda High School, and presented a Members' Resolution congratulating her on being named the 2011 California Interscholastic Federation/Farmers Female Scholar-Athlete of the Year.

Assembly Members Swanson and Pan recognized the 2011 California Interscholastic Federation/Farmers Female Scholar-Athletes of the Year for their exemplary academic, athletic, and volunteer service records.

* * *

Assembly Member Halderman introduced Dr. James Huang who was named the Osteopathic Physicians and Surgeons of California "Most Valuable Physician for 2011".

RECONVENED

At 9:16 a.m., the Assembly reconvened.

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

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

SENATE BILL NO. 322—An act to amend Section 21752 of the Government Code, relating to retirement.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 373—An act to amend Section 31484.9 of the Government Code, relating to county employees' retirement.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 637—An act to amend Sections 31459.1 and 31535.1 of the Government Code, relating to county employees' retirement.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 203—An act to amend Sections 31520.1, 31520.2, 31520.3, 31520.4, and 31520.5 of, to add Section 31523.1 to, and to repeal and add Section 31523 of, the Government Code, relating to county retirement.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 318—An act to amend Sections 19173 and 19175 of the Government Code, relating to civil service.

Bill read second time, and ordered to third reading.

UNFINISHED BUSINESS CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY CONCURRENT RESOLUTION NO. 38 (Bonnie Lowenthal)—Relative to the Joint Legislative Committee on Emergency Management.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES-74

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

NOES-None

Resolution ordered enrolled.

ADJOURN IN MEMORY

Assembly Member Chesbro was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Frank S. Petersen, former California State Senator, resident of Fort Bragg.

(Assembly Rule 45.5 suspended.)

At 9:21 a.m., Assistant Speaker pro Tempore Mike Gatto, 43rd District, presiding

ADJOURN IN MEMORY

Assembly Member Williams was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Barry Schuyler of Santa Barbara.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Ammiano and Ma were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lieutenant Vincent Perez and Firefighter Anthony Valerio of San Francisco Fire Department Engine Company No. 26, residents of San Francisco.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Assistant Speaker pro Tempore Gatto announced the following session schedule:

Friday, June 10, 2011, Floor Session, upon call of the Speaker; Monday, June 13, 2011, Floor Session, 1:30 p.m.

CONSIDERATION OF DAILY FILE (RESUMED) UNFINISHED BUSINESS (RESUMED) MOTIONS TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 1276 and Senate Bill No. 77 were continued until the next legislative day.

ADJOURN IN MEMORY

Assembly Member Bonnie Lowenthal was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rev. Art Bartlett of San Pedro.

VOTE ADDS

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

Assembly Concurrent Resolution No. 38, Concurrence: Beall, Cedillo, Fletcher, Galgiani, Hall, Harkey, and Silva—Aye.

MOTION TO ADJOURN

At 9:26 a.m., Assembly Member Smyth moved that the Assembly do now adjourn.

Assembly Member Allen seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:26 a.m., Assistant Speaker pro Tempore Gatto declared the quorum call of the Assembly dispensed with.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 69—Hueso (Coauthors: Allen, Block, Perea, and V. Manuel Pérez). Relative to synthetic cannabinoids and stimulants.

AUTHOR'S AMENDMENTS

Committee on Business, Professions and Consumer Protection

June 9, 2011

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

Senate Bill No. 539

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

HAYASHI, Chair

SENATE BILL NO. 539—An act to amend Sections 2841, 2859, 2862, 2866, 2872.2, 2873, 2878.1, 2880, 2881, 2881.1, 2882, 2883, 4501, 4503, 4510.1, 4511, 4511.2, 4521.2, 4530, 4531, and 4532 of, and to repeal and amend Section 2847 of, the Business and Professions Code, relating to nursing.

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

June 9, 2011

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

Senate Joint Resolution No. 6

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

MONNING, Chair

SENATE JOINT RESOLUTION NO. 6—Relative to survivors of torture.

Resolution read.

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

Committee on Housing and Community Development

June 9, 2011

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 150

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

TORRES, Chair

SENATE BILL NO. 150—An act to amend Sections 1368 and 1373 of, and to add Section 1360.2 to, the Civil Code, relating to common interest developments.

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

June 9, 2011

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

Senate Bill No. 235 Senate Bill No. 325 Senate Bill No. 446

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

SMYTH, Chair

SENATE BILL NO. 235—An act to add Section 74209 to the Water Code, relating to water.

Bill read second time.

SENATE BILL NO. 325—An act to add Title 12.5 (commencing with Section 93300) to the Government Code, relating to railroads.

Bill read second time.

SENATE BILL NO. 446—An act to add Division 17.5 (commencing with Section 175000) to the Public Utilities Code, relating to airports.

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 Judiciary

June 9, 2011

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

Senate Bill No. 328

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

FEUER, Chair

SENATE BILL NO. 328—An act to add Section 1240.055 to the Code of Civil Procedure, relating to eminent domain.

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

June 9, 2011

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

Senate Bill No. 608

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

AMMIANO, Chair

 $\begin{tabular}{ll} \bf SENATE\ BILL\ NO.\ 608---An\ act\ to\ amend\ Section\ 2807\ of\ the\ Penal\ Code,\ relating\ to\ the\ Prison\ Industry\ Authority. \end{tabular}$

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 Rules

June 9, 2011

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

Senate Concurrent Resolution No. 44

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

SKINNER, Chair

SENATE CONCURRENT RESOLUTION NO. 44—Relative to Foster Care 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 Rules

Date of Hearing: June 9, 2011

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 55

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

SKINNER, Chair

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 2011

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 15

With the recommendation: Be adopted.

SKINNER, Chair

Above resolution ordered to third reading.

Date of Hearing: June 9, 2011

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 20

With the recommendation: Be adopted.

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

SKINNER, Chair

Above resolution ordered to the Consent Calendar.

Committee on Higher Education

Date of Hearing: June 9, 2011

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 970

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

BLOCK, Chair

Above bill re-referred to the Committee on Appropriations.

MESSAGES FROM THE SENATE

Senate Chamber, June 9, 2011

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

Assembly Bill No. 1020

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

Above bill ordered enrolled.

Senate Chamber, June 9, 2011

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

Assembly Concurrent Resolution No. 57

1906

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

Above resolution ordered enrolled.

Senate Chamber, June 9, 2011

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

Senate Concurrent Resolution No. 18

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

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 18—Relative to public schools.

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received and ordered printed in the Journal:

Governor's Reorganization Plan No. 1 of 2011-12

Governor's Office, Sacramento June 9, 2011

Speaker

State Capitol

The Honorable John Pérez

Ĉalifornia State Assembly

The Honorable Darrell Steinberg
President pro Tempore
California State Senate
State Capitol
Sacramento, California

Sacramento, California Sacramento, California

Dear Mr. Steinberg and Mr. Pérez: I am forwarding to you the statutory changes required to implement my "Reorganization Plan

Number 1 "

This reorganization will unify and streamline our State's personnel system by consolidating the two entities that currently oversee our State human resource functions: the State Personnel Board (SPB) and the Department of Personnel Administration (DPA). Study after study, including reports by the Little Hoover Commission, have recommended combining the operational functions of SPB with DPA, while maintaining SPB's independent constitutional authority to hear disciplinary appeals, approve classifications, establish probationary periods, and administer the merit system. This consolidation will increase efficiency and save money otherwise wasted on duplicative and disjointed systems.

Sincerely,

EDMUND G. BROWN JR.

RECEIPT

I acknowledge receipt this 9th day of June 2011, at 4:58 p.m., of the Governor's Reorganization Plan, Number 1 of 2011, delivered to me personally by Jacque Roberts.

SUE PARKER Assistant Chief Clerk of the Assembly

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Smyth, the Assembly adjourned upon call of the Speaker, out of respect to the memory of Hon. Frank S. Petersen on motion of Assembly Member Chesbro; out of respect to the memory of Barry Schuyler on motion of Assembly Member Williams; out of respect to the memory of Lieutenant Vincent Perez and Firefighter Anthony Valerio on motion of Assembly Members Ammiano and Ma; and out of respect to the memory of Rev. Art Bartlett on motion of Assembly Member Bonnie Lowenthal.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JUNE 9, 2011

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

SB	RN
150	1118447
235	1120577
325	1120572
328	1120106
446	1119619
539	1120185
608	1120606

SCR RN 44 1120493

SJR RN6 1120086

Daily Total: 9 Cumulative Total: 1605