

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, June 30, 2011

**ONE HUNDRED SECOND SESSION DAY
TWO HUNDRED SEVENTH 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 30, 2011

The Assembly met at 7 a.m.

Hon. Bill Monning, Assembly Member, 27th 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—68:

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

Quorum present.

At 2:20 p.m., Hon. Wilmer Amina Carter, 62nd 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 Atkins, Bill Berryhill, Blumenfield, Bonilla, Bradford, Davis, Bonnie Lowenthal, Portantino, Skinner, and Wieckowski.

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.

EXPLANATIONS OF ABSENCE

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

June 3, 2011

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

Dear Speaker Pérez: I request to be excused from Session on Thursday, June 30 and Friday, July 1, due to legislative business in my District Office. Kim Craig, my Chief of Staff, is available to respond to any questions at 319-2076.

Sincerely,

TONI ATKINS, Assembly Member
Seventy-sixth District

June 30, 2011

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

Dear Speaker Pérez: The purpose of this letter is to request an excuse from Check-in Session on Thursday, June 30, 2011, as I had to leave for legislative business in my district. Thank you for your consideration of this request.

Respectfully yours,

BILL BERRYHILL, Assembly Member
Twenty-sixth District

June 27, 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 Check-in Session on Thursday, June 30, 2011, due to legislative business in my district. Thank you for your consideration of this request. Please contact me or Irene Villarruz of my staff should you have any questions.

Sincerely,

BOB BLUMENFIELD, Assembly Member
Fortieth District

June 29, 2011

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

Dear Speaker Pérez: The purpose of this letter is to respectfully request permission to be excused for legislative business on Thursday, June 30, 2011. If excused I will be attending various district events. Thank you in advance for your consideration of this request. If you have any questions or require additional information, please contact my Chief of Staff, Luis Quinonez at (925) 681-9310.

Sincerely,

SUSAN A. BONILLA, Assembly Member
Eleventh District

June 30, 2011

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

Dear Speaker Pérez: I am respectfully requesting permission to be excused from Check-in Session on Thursday, June 30, for legislative business. I am the co-sponsor for the California Public Utilities Commission Electric Procurement Reporting Workshop in San Francisco. I have attached the agenda for your records. Thank you for your consideration of this request.

Sincerely,

STEVEN C. BRADFORD, Assembly Member
Fifty-first District

June 30, 2011

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

Dear Speaker Pérez: I am requesting to be excused from Check-in Session on Thursday, June 30, 2011, due to legislative business. Your attention to this matter is appreciated.

Sincerely,

MIKE DAVIS, Assembly Member
Forty-eighth District

June 21, 2011

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

Dear Mr. Speaker: I respectfully request permission to be excused from Session/Check-in on Thursday, June 30 and Friday, July 1 on legislative business. If excused, I will be speaking at the Gateway City Council of Governments' annual meeting in Lakewood on the evening of Wednesday, June 29 and attending a Los Angeles County Medical Association Installation Dinner on Thursday, June 30. Thank you for your consideration of my request. Should you have any questions, please contact my office.

Sincerely,

BONNIE LOWENTHAL, Assembly Member
Fifty-fourth District

June 29, 2011

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

Dear Speaker: I respectfully request permission to be excused from Legislative Check-in Session on Thursday, June 30, 2011, due to legislative business. Please feel free to contact Michelle Morris-Battle, my scheduler, at 916-319-2044, if you have any questions. Thank you for your consideration of this request.

Sincerely,

ANTHONY J. PORTANTINO, Assembly Member
Forty-fourth District

June 29, 2011

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

Dear Speaker Pérez: I respectfully request permission to be excused from Check-in/Floor Session on Thursday, June 30, 2011, while I tend to legislative business in my District. Thank you for your consideration of my request. If you have any questions regarding this request, please contact Josh Kurpies in my office at 916-319-2014.

Sincerely,

NANCY SKINNER, Assembly Member
Fourteenth District

June 29, 2011

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

Dear Mr. Speaker: I would like to respectfully request permission to be excused from Check-in on legislative business on Thursday, June 30, 2011, due to a speaking engagement in my district. Thank you for your attention to this matter. If you have any questions please contact Jalene Molina at 319-2020.

Sincerely,

BOB WIECKOWSKI, Assembly Member
 Twentieth District

SPECIAL COMMITTEE MEETINGS

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

Local Government, on Wednesday, July 6, 2011, at 10 a.m., in Room 3162.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 74—Alejo. Relative to Filipino Americans.

AUTHOR'S AMENDMENTS

Committee on Revenue and Taxation

June 30, 2011

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:
 Senate Bill No. 948

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

PEREA, Chair

SENATE BILL NO. 948—An act to amend Sections 408, 620, 2611.1, 2635, 2923, 3698.8, 4675, 4676, 4842, 4911, 5096, 5097.2, and 5150.5 of 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 Judiciary

June 30, 2011

Mr. Speaker: The Chair of your Committee on Judiciary reports:
 Senate Bill No. 642

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

FEUER, Chair

SENATE BILL NO. 642—An act to amend Sections 3050.7 and 11713.3 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 Governmental Organization

June 30, 2011

Mr. Speaker: The Chair of your Committee on Governmental Organization reports: Senate Bill No. 340

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

HALL, Chair

SENATE BILL NO. 340—An act to repeal Sections 19850.5 and 19850.6 of the Business and Professions Code, and to amend Sections 326.3 and 326.5 of the Penal Code, relating to bingo, and declaring the urgency thereof, to take effect immediately.

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 Utilities and Commerce

June 30, 2011

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports: Senate Bill No. 771

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

BRADFORD, Chair

SENATE BILL NO. 771—An act to amend Section 26003 of the Public Resources Code, relating to energy.

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 30, 2011

Mr. Speaker: The Chair of your Committee on Health reports: Senate Bill No. 416

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

MONNING, Chair

SENATE BILL NO. 416—An act to add Chapter 5 (commencing with Section 103950) to Part 2 of Division 102 of the Health and Safety Code, relating to 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 Appropriations

June 30, 2011

Mr. Speaker: The Chair of your Committee on Appropriations reports: Senate Bill No. 888

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

FUENTES, Chair

SENATE BILL NO. 888—An act to add Section 594.37 to the Penal Code, relating to crime.

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

June 30, 2011

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

Senate Concurrent Resolution No. 28

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

BONNIE LOWENTHAL, Chair

SENATE CONCURRENT RESOLUTION NO. 28—Relative to the Correctional Officer Scott Williams Memorial Highway.

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 Local Government

Date of Hearing: June 29, 2011

Mr. Speaker: Your Committee on Local Government reports:

Senate Bill No. 436

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

SMYTH, Chair

Above bill re-referred to the Committee on Natural Resources.

Date of Hearing: June 29, 2011

Mr. Speaker: Your Committee on Local Government reports:

Senate Bill No. 194

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

SMYTH, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 29, 2011

Mr. Speaker: Your Committee on Local Government reports:

Senate Bill No. 134

Senate Bill No. 214

Senate Bill No. 555

With the recommendation: Do pass.

SMYTH, Chair

Above bills ordered to second reading.

Date of Hearing: June 29, 2011

Mr. Speaker: Your Committee on Local Government reports:

Senate Bill No. 152

Senate Bill No. 267

Senate Bill No. 536

Senate Bill No. 551

Senate Bill No. 847

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

SMYTH, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Agriculture

Date of Hearing: June 29, 2011

Mr. Speaker: Your Committee on Agriculture reports:

Senate Bill No. 513

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

GALGIANI, Chair

Above bill ordered to second reading.

Date of Hearing: June 29, 2011

Mr. Speaker: Your Committee on Agriculture reports:

Senate Bill No. 249

Senate Bill No. 276

With the recommendation: Do pass.

GALGIANI, Chair

Above bills ordered to second reading.

Date of Hearing: June 29, 2011

Mr. Speaker: Your Committee on Agriculture reports:

Senate Bill No. 549

Senate Bill No. 676

Senate Bill No. 707

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

GALGIANI, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 29, 2011

Mr. Speaker: Your Committee on Agriculture reports:

Senate Bill No. 668

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.

GALGIANI, Chair

Above bill ordered to second reading.

Date of Hearing: June 29, 2011

Mr. Speaker: Your Committee on Agriculture reports:

Senate Bill No. 818

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

GALGIANI, Chair

Above bill re-referred to the Committee on Appropriations.

Committee on Judiciary

Date of Hearing: June 28, 2011

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 903

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

FEUER, Chair

Above bill ordered to second reading.

Committee on Housing and Community Development

Date of Hearing: June 29, 2011

Mr. Speaker: Your Committee on Housing and Community Development reports:
Senate Bill No. 244

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

TORRES, Chair

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: June 27, 2011

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Senate Bill No. 507

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

PEREA, Chair

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE
SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

Senate Bill No. 834, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 512—An act to amend Section 52052 of the Education Code, relating to school accountability.

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.

SENATE BILL NO. 745—An act to amend Section 48306 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.

SENATE BILL NO. 779—An act to add Section 51220.7 to the Education Code, relating to pupil instruction.

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.

SENATE BILL NO. 381—An act to amend Section 48204 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.

SENATE BILL NO. 423—An act to amend Section 15286 of the Education Code, relating to school facilities.

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.

SENATE BILL NO. 473—An act to amend Section 48070.6 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.

SENATE BILL NO. 532—An act to amend Sections 52240 and 52920 of the Education Code, relating to pupil instruction.

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.

SENATE BILL NO. 821—An act to add Article 3.5 (commencing with Section 35740) to Chapter 4 of Part 21 of Division 3 of Title 2 of the Education Code, relating to school district reorganization.

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.

SENATE BILL NO. 941—An act to amend Sections 44274.2, 44279.1, 44279.2, 44279.4, 44371, and 44372 of, to add Section 44399.1 to, and to repeal Sections 44279.5 and 44279.6 of, the Education Code, relating to teachers.

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.

SENATE BILL NO. 119—An act to amend Section 1502 of, and to add Sections 1502.35 and 1530.85 to, the Health and Safety Code, relating to community care facilities.

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

SENATE BILL NO. 368—An act to amend Sections 319, 361, 706.5, 726, 4514, 4646, 4646.5, 4648, and 4701.6 of the Welfare and Institutions Code, relating to developmental services.

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

SENATE BILL NO. 900—An act to add Section 13388.1 to the Water Code, relating to water.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 180—An act to amend Section 1770 of the Civil Code, relating to consumer affairs.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 451—An act to amend Section 69439 of the Education Code, relating to student financial aid.

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

SENATE BILL NO. 16—An act to add Section 2099.20 to the Fish and Game Code, relating to energy, and declaring the urgency thereof, to take effect immediately.

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 Appropriations.

SENATE BILL NO. 356—An act to add Section 5080.43 to the Public Resources Code, relating to state parks.

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 Appropriations.

SENATE BILL NO. 386—An act to add Section 5080.42 to the Public Resources Code, relating to state parks, and declaring the urgency thereof, to take effect immediately.

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 Appropriations.

SENATE BILL NO. 752—An act to add Section 1065 to the Fish and Game Code, relating to entitlements.

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 Appropriations.

SENATE BILL NO. 505—An act to amend Section 13007 of the Fish and Game Code, relating to fish.

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 Appropriations.

SENATE BILL NO. 769—An act to amend Section 4800 of the Fish and Game Code, relating to mountain lions, and declaring the urgency thereof, to take effect immediately.

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 Appropriations.

SENATE BILL NO. 770—An act to add Section 2864 to the Fish and Game Code, relating to marine resources.

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 Appropriations.

SENATE BILL NO. 343—An act to add Chapter 4 (commencing with Section 26043) to, and to repeal Article 4 (commencing with Section 26043.50) of Chapter 4 of, Division 16 of the Public Resources Code, and to amend Section 399.8 of the Public Utilities Code, relating to energy, and making an appropriation therefor.

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

SENATE BILL NO. 489—An act to amend Section 2827 of, and to repeal Section 2827.9 of, the Public Utilities Code, relating to electricity.

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

SENATE BILL NO. 117—An act to amend Section 10295.3 of the Public Contract Code, relating to public contracts.

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.

SENATE BILL NO. 517—An act to amend Section 13975 of, and to add Section 13976.1 to, the Government Code, and to amend Sections 185020 and 185024 of the Public Utilities Code, relating to high-speed rail.

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

UNFINISHED BUSINESS

MOTIONS TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 98 and Senate Bill No. 77 were continued until the next legislative day.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 30, 2011

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

Assembly Concurrent Resolution No. 42

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

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Friday, July 1, 2011.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JUNE 30, 2011**

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

SB RN

16	1122099
117	1121753
119	1121888
340	1122376
343	1122337
356	1122135
368	1121887
381	1121964
386	1122133
416	1122312
423	1121944
451	1121681
473	1121945
489	1122415
505	1122129
512	1121928
517	1122327
532	1121949
642	1122526
745	1121939
752	1122105
769	1122110
770	1122114
771	1122375
779	1121937
821	1121961
888	1122243
941	1121934
948	1122301

SCR RN

28	1120771
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Daily Total:	30
Cumulative Total:	1877