

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, August 16, 2011**

**ONE HUNDRED TWELFTH SESSION DAY**

**TWO HUNDRED FIFTY-FOURTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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.

(Please direct any inquiries and report any omissions or errors to Minute Clerk: Phone 916-319-2360)

(Corrected 8-24-11)

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Tuesday, August 16, 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—77:

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

Quorum present.

**At 2:23 p.m., Hon. Bonnie Lowenthal, 54th 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 Members Fletcher and Garrick.*

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

**COMMUNICATIONS**

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

August 15, 2011

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

RE: Appointment of Kristin Johnson to  
State Assistance Fund for Enterprise, Business and  
Industrial Development Corporation (SAFE-BIDCO)

Dear Mr. Wilson: Please be advised I have appointed Ms. Kristin Johnson to the State Assistance Fund for Enterprise, Business and Industrial Development Corporation (SAFE-BIDCO). This is a term appointment starting August 15, 2011 and the expiration date is January 1, 2012.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

August 15, 2011

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

RE: Reappointment of Michael Wilson to  
California Environmental Contaminant  
Biomonitoring Program Scientific Guidance Panel

Dear Mr. Wilson: Please be advised I have reappointed Dr. Michael Wilson to the California Environmental Contaminant Biomonitoring Program Scientific Guidance Panel. This is a term appointment starting August 15, 2011 and the expiration date is January 1, 2014.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

August 16, 2011

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

RE: Appointment of Tom Ammiano to  
California Council on Criminal Justice

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Tom Ammiano to the California Council on Criminal Justice. This is a pleasure appointment starting August 16, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

August 16, 2011

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

RE: Appointment of Omar Zaki to  
California Council on Criminal Justice

Dear Mr. Wilson: Please be advised I have appointed Mr. Omar Zaki to the California Council on Criminal Justice. This is a pleasure appointment starting August 16, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

August 16, 2011

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

RE: Appointment of James Curry to  
California Council on Criminal Justice

Dear Mr. Wilson: Please be advised I have appointed Mr. James Curry to the California Council on Criminal Justice. This is a pleasure appointment starting August 16, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

August 16, 2011

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

RE: Appointment of Barbara Shaver to  
California Council on Criminal Justice

Dear Mr. Wilson: Please be advised I have appointed Dr. Barbara Shaver to the California Council on Criminal Justice. This is a pleasure appointment starting August 16, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

August 16, 2011

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

RE: Appointment of Rockard Delgadillo to  
California Council on Criminal Justice

Dear Mr. Wilson: Please be advised I have appointed Mr. Rockard Delgadillo to the California Council on Criminal Justice. This is a pleasure appointment starting August 16, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

August 16, 2011

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

RE: Appointment of Ricardo Sanchez to  
California Council on Criminal Justice

Dear Mr. Wilson: Please be advised I have appointed Ricardo Sanchez to the California Council on Criminal Justice. This is a pleasure appointment starting August 16, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

**COMMUNICATIONS**

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

August 16, 2011

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

RE: Certification of the Statewide Maps

Dear Mr. Wilson: The California Citizens Redistricting Commission voted yesterday to adopt and certify statewide maps for the Assembly, Senate, Board of Equalization and Congressional Districts.

Attached with this letter are copies of the four resolutions the Commission passed, adopting and certifying the new districts, as well as copies of the maps themselves, and the Commission’s final report.

Very truly yours,

Daniel Claypool  
Executive Director  
California Citizens Redistricting Commission

August 15, 2011

*The Hon. Debra Bowen  
California Secretary of State  
1500 11th Street  
Sacramento, California*

Dear Secretary Bowen: The California Citizens Redistricting Commission (Commissioner) was established pursuant to the procedures set forth by Proposition 11, the Voters First Act, and Proposition 20, the Voters First Act for Congress, the provisions of which are now found in Section 2 of Article XXI of the California Constitution and at Government Code Section 8252. These constitutional and statutory provisions set forth the Commission's responsibilities with respect to drawing the boundary lines for the California Assembly, Senate, Board of Equalization and Congressional districts (the Maps).

The Voters First Act for Congress requires the Commission to certify the Maps, and prepare a final report, and cause them to be provided to your office by August 15, 2011. Accordingly, this letter confirms that the Commission has timely completed these responsibilities and hereby provides the Secretary of State's Office with the following:

1. **State Assembly.** Resolution of August 15, 2011 certifying the statewide California Assembly maps were approved by the Commission in the manner required by Section 2 of Article XXI of the California Constitution; a copy of the statewide Assembly map; copies of the 80 individual Assembly districts; and a "disc" labeled `crc_20110815_assembly_certified_statewide.zip` SHA-1: 323d2c56df6bf3ad6b3b4e58fd7c5d0338a476b8 containing the unique data files for the Assembly districts, from which the statewide and individual district maps are created.
2. **State Senate.** Resolution of August 15, 2011 certifying the statewide California Senate maps were approved by the Commission in the manner required by Section 2 of Article XXI of the California Constitution; a copy of the statewide Senate map; copies of the 40 individual Senate districts; and a "disc" labeled `crc_20110815_senate_certified_statewide.zip` SHA-1: 14cd4e126ddc5bdce946f67376574918f3082d6b containing the unique data files for the Senate districts, from which the statewide and individual district maps are created.
3. **State Board of Equalization.** Resolution of August 15, 2011 certifying the statewide California Board of Equalization maps were approved by the Commission in the manner required by Section 2 of Article XXI of the California Constitution; a copy of the statewide Board of Equalization map; copies of the four individual Board of Equalization districts; and a "disc" labeled `crc_20110815_boe_certified_statewide.zip` SHA-1: 3dd8d0f1325818b92429f987c03668ba036eccc1d containing the unique data files for the Board of Equalization districts from which the statewide and individual district maps are created.
4. **Congressional Districts.** Resolution of August 15, 2011 certifying the statewide California Congressional districts were approved by the Commission in the manner required by Section 2 of Article XXI of the California Constitution; a copy of the statewide Congressional map;

copies of the 53 individual Congressional districts; and a “disc” labeled `crc_20110815_congress_certified_statewide.zip` SHA-1: 1893c0695a42454a202f5b1ef433abff6b491db9 containing the unique data files for the Congressional districts from which the statewide and individual district maps are created.

5. **Final Report.** A copy of the final report prepared as required by Section 2(h), of Article XXI of the California Constitution.

It has been an honor for the Commission to serve the people of the State of California.

Sincerely,

VINCENT BARABBA  
Acting Chair  
On Behalf of the California  
Citizens Redistricting  
Commission

GABINO AGUIRRE  
Acting Vice Chair  
On Behalf of the California  
Citizens Redistricting  
Commission

**Resolution**  
**California Citizens Redistricting Commission**  
**Certification of Statewide Assembly Map**

August 15, 2011

Whereas, on July 29, 2011 the California Citizens Redistricting Commission (Commission) voted to approve for posting and public comment the statewide Assembly Map (Assembly Map) referred to as the preliminary final Assembly Map; and,

Whereas, on August 15, 2011, pursuant to Article XXI, Section 2(c)(5) of the California Constitution, the Commission voted to adopt as final the Assembly Map, identified by `crc_20110815_assembly_certified_statewide.zip` and secure hash algorithm (SHA-1) number 323d2c56df6bf3ad6b3b4e58fd7c5d0338a476b8.

Now, therefore, be it resolved, that pursuant to Article XXI, Section 2 (g) of the California Constitution, the Assembly Map, identified with the above referenced SHA -1 is hereby certified by the Commission and shall be delivered forthwith to the California Secretary of State; and,

Resolved further, that the members of the Commission have affixed their signatures to this Resolution.

Gabino Aguirre,  
Commissioner (D)

Angelo Ancheta,  
Commissioner (D)

Vincent Barabba,  
Commissioner (R)

Maria Blanco,  
Commissioner (D)

Cynthia Dai,  
Commissioner (D)

Michelle DiGuilio,  
Commissioner (DTS)

Jodie Filkins Webber,  
Commissioner (R)

Stanley Forbes,  
Commissioner (DTS)

Connie Galambos-Malloy,  
Commissioner (DTS)

Lilbert “Gil” Ontai,  
Commissioner (R)

M. Andre Parvenu,  
Commissioner (DTS)

Jeanne Raya,  
Commissioner (D)

Michael Ward,  
Commissioner (R)

Peter Yao,  
Commissioner (R)

**Resolution**  
**California Citizens Redistricting Commission**  
**Certification of Statewide Senate Map**

August 15, 2011

Whereas, on July 29, 2011 the California Citizens Redistricting Commission (Commission) voted to approve for posting and public comment the statewide Senate Map (Senate Map) referred to as the preliminary final Senate Map; and,

Whereas, on August 15, 2011, pursuant to Article XXI, Section 2(c)(5) of the California Constitution, the Commission voted to adopt as final the Senate Map, identified by crc\_20110815\_senate\_certified\_statewide.zip and secure hash algorithm (SHA-1) number 14cd4e126ddc5bdce946f67376574918f3082d6b.

Now, therefore, be it resolved, that pursuant to Article XXI, Section 2 (g) of the California Constitution, the Senate Map, identified with the above referenced SHA-1 is hereby certified by the Commission and shall be delivered forthwith to the California Secretary of State; and,

Resolved further, that the members of the Commission have affixed their signatures to this Resolution.

Gabino Aguirre,  
 Commissioner (D)

Angelo Ancheta,  
 Commissioner (D)

Vincent Barabba,  
 Commissioner (R)

Maria Blanco,  
 Commissioner (D)

Cynthia Dai,  
 Commissioner (D)

Michelle DiGuilio,  
 Commissioner (DTS)

Jodie Filkins Webber,  
 Commissioner (R)

Stanley Forbes,  
 Commissioner (DTS)

Connie Galambos-Malloy,  
 Commissioner (DTS)

Lilbert "Gil" Ontai,  
 Commissioner (R)

M. Andre Parvenu,  
 Commissioner (DTS)

Jeanne Raya,  
 Commissioner (D)

Michael Ward,  
 Commissioner (R)

Peter Yao,  
 Commissioner (R)



**Resolution****California Citizens Redistricting Commission  
Certification of Statewide Congressional Map**

August 15, 2011

Whereas, on July 29, 2011 the California Citizens Redistricting Commission (Commission) voted to approve for posting and public comment the statewide Congressional Map (Congressional Map) referred to as the preliminary final Congressional Map; and,

Whereas, on August 15, 2011, pursuant to Article XXI, Section 2(c)(5) of the California Constitution, the Commission voted to adopt as final the Congressional Map, identified by crc\_20110815\_congress\_certified\_statewide.zip and secure hash algorithm (SHA-1) number 1893c0695a42454a202f5b1ef433abff6b491db9.

Now, therefore, be it resolved, that pursuant to Article XXI, Section 2 (g) of the California Constitution, the Congressional Map, identified with the above referenced SHA-1 is hereby certified by the Commission and shall be delivered forthwith to the California Secretary of State; and,

Resolved further, that the members of the Commission have affixed their signatures to this Resolution.

Gabino Aguirre,  
Commissioner (D)

Angelo Ancheta,  
Commissioner (D)

Vincent Barabba,  
Commissioner (R)

Maria Blanco,  
Commissioner (D)

Cynthia Dai,  
Commissioner (D)

Michelle DiGuilio,  
Commissioner (DTS)

Jodie Filkins Webber,  
Commissioner (R)

Stanley Forbes,  
Commissioner (DTS)

Connie Galambos-Malloy,  
Commissioner (DTS)

Lilbert "Gil" Ontai,  
Commissioner (R)

M. Andre Parvenu  
Commissioner, (DTS)

Jeanne Raya,  
Commissioner (D)

Michael Ward,  
Commissioner (R)

Peter Yao,  
Commissioner (R)

**Resolution**  
**California Citizens Redistricting Commission**  
**Certification of Statewide Board of Equalization Map**

August 15, 2011

Whereas, on July 29, 2011 the California Citizens Redistricting Commission (Commission) voted to approve for posting and public comment the statewide Board of Equalization Map (Board of Equalization Map) referred to as the preliminary final Board of Equalization Map; and,

Whereas, on August 15, 2011, pursuant to Article XXI, Section 2(c)(5) of the California Constitution, the Commission voted to adopt as final the Board of Equalization Map, identified by crc\_20110815\_boe\_certified\_statewide.zip and secure hash algorithm (SHA-1) number 3dd8d0f1325818b92429f987c03668ba036ece1d.

Now, therefore, be it resolved, that pursuant to Article XXI, Section 2 (g) of the California Constitution, the Board of Equalization Map, identified with the above referenced SHA-1 is hereby certified by the Commission and shall be delivered forthwith to the California Secretary of State; and,

Resolved further, that the members of the Commission have affixed their signatures to this Resolution.

Gabino Aguirre,  
 Commissioner (D)

Angelo Ancheta,  
 Commissioner (D)

Vincent Barabba,  
 Commissioner (R)

Maria Blanco,  
 Commissioner (D)

Cynthia Dai,  
 Commissioner (D)

Michelle DiGuilio,  
 Commissioner (DTS)

Jodie Filkins Webber,  
 Commissioner (R)

Stanley Forbes,  
 Commissioner (DTS)

Connie Galambos-Malloy,  
 Commissioner (DTS)

Lilbert "Gil" Ontai,  
 Commissioner (R)

M. Andre Parvenu  
 Commissioner (DTS)

Jeanne Raya,  
 Commissioner (D)

Michael Ward,  
 Commissioner (R)

Peter Yao,  
 Commissioner (R)

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 16, 2011

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 1233

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, August 16, 2011

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 1278

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, August 16, 2011

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 72

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 16**—Campos and Alejo (Coauthors: Allen, Ammiano, Beall, Bradford, Eng, Fong, Roger Hernández, Hueso, Lara, Bonnie Lowenthal, Monning, Perea, V. Manuel Pérez, Swanson, and Wieckowski) (Coauthor: Senator Alquist). Relative to McDonnell Hall.

**AUTHOR’S AMENDMENTS**

**Committee on Rules**

August 16, 2011

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

Assembly Concurrent Resolution No. 74

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

SKINNER, Chair

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

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 Appropriations**

August 16, 2011

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

Senate Bill No. 26

Senate Bill No. 770

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

FUENTES, Chair

**SENATE BILL NO. 26**—An act to add Section 4576 to the Penal Code, relating to prisons.

Bill read second time.

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

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.

**REPORTS OF STANDING COMMITTEES**

**Committee on Transportation**

Date of Hearing: August 15, 2011

Mr. Speaker: Your Committee on Transportation reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 76

Assembly Bill No. 385

BONNIE LOWENTHAL, Chair

Above bills ordered filed with the Chief Clerk.

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

**SENATE BILL NO. 567**—An act to repeal Chapter 5.8 (commencing with Section 42359) of, and to repeal and add Chapter 5.7 (commencing with Section 42355) of, Part 3 of Division 30 of the Public Resources Code, relating to recycling.

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

**SENATE BILL NO. 211**—An act to add and repeal Section 38568 of the Health and Safety Code, relating to air pollution.

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

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, August 17, 2011.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 16, 2011**

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

**ACR RN**  
74 1124511

**SB RN**  
26 1124569  
211 1123439  
567 1123454  
770 1124616

**Daily Total: 5**  
**Cumulative Total: 2073**

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