

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 6, 2011**

**FIFTH SESSION DAY**

**THIRTY-SECOND 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.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, January 6, 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 Cook 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 9:05 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—76:

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

**PRAYER**

Upon invitation of Speaker pro Tempore Ma, the following prayer was offered by Assembly Member Bob Wieckowski, of the 20th Assembly District:

*Father, Help us to welcome each day as if it were our first, so that we may have enthusiasm in our souls, excitement in our hearts, and warmth in our dispositions. Help us to welcome each day as if it were our last, so that we may have urgency in our efforts, a deep concern for the world in our minds and the peace and love of God in our hearts.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Ma, Assembly Member Jones 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 Calderon, seconded by Assembly Member Hagman.

**REQUEST FOR PHOTOGRAPHER**

Assembly Members Ammiano and Nielsen were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**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 Brownley, Galgiani, and Portantino.*

**EXPLANATIONS OF ABSENCE**

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

January 4, 2011

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

Dear Mr. Speaker: I would like to be excused from Floor Session on Thursday, January 6, 2011 to conduct legislative business in my District. Thank you for your consideration of this request.

Sincerely,

JULIA BROWNLEY, Assembly Member  
Forty-first District

January 6, 2011

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

Dear Speaker Pérez: I would like to request that I be excused from Session on Thursday, January 6, 2011 for legislative business.

If you need further information or have any questions, please contact Victoria Grajek of my staff at (916) 319-2017.

Thank you.

Sincerely,

CATHLEEN GALGIANI, Assembly Member  
Seventeenth District

January 5, 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 Session on Thursday, January 6, 2011 for legislative business in my district. If you have any questions please contact Trent Hager in my office, 916-319-2044.

Thank you for your consideration of this request.

Sincerely,

ANTHONY J. PORTANTINO, Assembly Member  
Forty-fourth District

#### COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 6, 2011

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

Dear Mr. Speaker: I hereby respectfully submit my resignation as State Assemblyman for the 4th Assembly District. My resignation is effective upon taking the oath of office for the 1st Senate District on January 6, 2011.

Sincerely,

TED GAINES, Assembly Member  
Fourth District

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

January 6, 2011

*The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
State Capitol, First Floor  
Sacramento, California*

Dear Governor Brown: Pursuant to the Government Code and on behalf of the Speaker of the Assembly, Honorable John A. Pérez, I am forwarding a letter of resignation from Assembly Member Ted Gaines, effective upon his taking the oath of office for the California State Senate on January 6, 2011.

Sincerely,

E. DOTSON WILSON  
Chief Clerk

#### **SPECIAL COMMITTEE MEETINGS**

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

Joint Legislative Audit Committee, Wednesday, February 9, 2011, at 9:30 a.m., in Room 444.

#### **ADJOURN IN MEMORY**

Assembly Member Silva was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. George John Higue of Huntington Beach.

(Assembly Rule 45.5 suspended.)

#### **ADJOURN IN MEMORY**

Assembly Member Monning was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sergeant Vincent Wayne Ashlock, United States Army, resident of Seaside.

(Assembly Rule 45.5 suspended.)

#### **ADJOURN IN MEMORY**

Assembly Member Logue was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of David W. Filante of Browns Valley.

(Assembly Rule 45.5 suspended.)

#### **ADJOURN IN MEMORY**

Assembly Member V. Manuel Pérez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marco Antonio DiMare of La Quinta.

(Assembly Rule 45.5 suspended.)

#### **ADJOURN IN MEMORY**

Assembly Members Furutani and Lowenthal were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Olguin of San Pedro.

(Assembly Rule 45.5 suspended.)

**RECESS**

By unanimous consent, at 9:17 a.m., Speaker pro Tempore Ma declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Nielsen introduced Peter W. Schaafsma and recognized his 34 years of dedicated service to the State of California and extensive contributions to the legislative process through his professional services as Fiscal Staff Director for the California State Assembly Republican Caucus since 1999.

Assembly Member Blumenfield joined Assembly Member Nielsen in recognizing Peter Schaafsma as an experienced, valued, and respected employee of the California State Assembly.

Assembly Member Nielsen was joined by the Members in extending best wishes to Peter Schaafsma for continued success in the years ahead, whereupon he presented a Members' Resolution.

**RECONVENED**

At 9:19 a.m., the Assembly reconvened.

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

**ANNOUNCEMENTS**

Speaker pro Tempore Ma announced the following session schedule:

Monday, January 10, 2011, Floor Session, 12 noon;

Tuesday, January 11, 2011, Check-in Session, 7 a.m.–3 p.m.;

Wednesday, January 12, 2011, Check-in Session, 7 a.m.–3 p.m.;

Thursday, January 13, 2011, Check-in Session, 7 a.m.–3 p.m.;

Friday, January 14, 2011, Floor Session, 9 a.m.;

Monday, January 17, 2011, Holiday in observance of Martin Luther King, Jr. Day;

Tuesday, January 18, 2011, Floor Session, 12 noon;

Wednesday, January 19, 2011, Check-in Session, 7 a.m.–3 p.m.;

Thursday, January 20, 2011, Floor Session, 9 a.m.

**ADJOURN IN MEMORY**

Assembly Member Lowenthal was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Don Westerland of Long Beach.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Bradford was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Roderick Jones of Gardena.

(Assembly Rule 45.5 suspended.)

**At 9:26 a.m., Assistant Speaker pro Tempore Mike Gatto,  
43rd District, presiding**

**RECESS**

By unanimous consent, at 9:33 a.m., Assistant Speaker pro Tempore Gatto declared the Assembly recessed to permit the introduction of special guests.

Assembly Members Ammiano and Ma introduced Larry Baer, President and Chief Operating Officer, and Bill Neukom, Managing General Partner and Chief Executive Officer of the San Francisco Giants Baseball Team. Assembly Member Ammiano presented a Member's Resolution congratulating the San Francisco Giants on winning the 2010 World Series, and extending best wishes of the Assembly for continued success in the future.

Also introduced were Staci Slaughter, Senior Vice President, Communications; Shana Daum, Director of Public Affairs; Missy Mikulecky, Director of Team Photography and Archives; Nathan Nayman, and Paul Russinoff.

**RECONVENED**

At 9:36 a.m., the Assembly reconvened.

Hon. Mike Gatto, Assistant Speaker pro Tempore of the Assembly, presiding.

**ADJOURN IN MEMORY**

Assembly Member Alejo was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Steve Wright of Santa Cruz.

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 Steve Uselton of Long Beach.

Assembly Member Feuer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joe Lumer of Los Angeles.

Assembly Member Fong was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Frank DeWitt of San Jose.

Assembly Member Gordon was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert Huber of Atherton.

**MOTION TO ADJOURN**

At 9:38 a.m., Assembly Member Calderon moved that the Assembly do now adjourn.

Assembly Member Garrick seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 9:38 a.m., Assistant Speaker pro Tempore Gatto declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 85—Mendoza.** An act to amend, repeal, and add Section 17075.50 to, and to add Section 81131 to, the Education Code, relating to school facilities.

**ASSEMBLY BILL NO. 86—Mendoza.** An act to amend Section 47605 of the Education Code, relating to charter schools.

**ASSEMBLY BILL NO. 87—Logue.** An act relating to home furnishings.

**ASSEMBLY BILL NO. 88—Huffman.** An act relating to food labeling.

**ASSEMBLY BILL NO. 89—Hill.** An act to add Section 7503.5 to the Government Code, relating to retirement.

**ASSEMBLY BILL NO. 90—Swanson.** An act to amend Section 236.1 of the Penal Code, relating to human trafficking.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 3—Hayashi (Coauthors: Eng, Fong, Furutani, Ma, Pan, Williams, and Yamada) (Coauthors: Senators Liu and Yee).** Relative to Korean-American Day.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Calderon, the Assembly adjourned until 12 noon, Monday, January 10, 2011, out of respect to the memory of Dr. George John Higue on motion of Assembly Member Silva; out of respect to the memory of Sergeant Vincent Wayne Ashlock on motion of Assembly Member Monning; out of respect to the memory of David W. Filante on motion of Assembly Member Logue; out of respect to the memory of Marco Antonio DiMare on motion of Assembly Member V. Manuel Pérez; out of respect to the memory of John Olguin on motion of Assembly Members Furutani and Lowenthal; out of respect to the memory of Don Westerland on motion of Assembly Member Lowenthal; out of respect to the memory of Roderick Jones on motion of Assembly Member Bradford; out of respect to the memory of Steve Wright on motion of Assembly Member Alejo; out of respect to the memory of Steve Uselton on motion of Assembly Member Chesbro; out of respect to the memory of Joe Lumer on motion of Assembly Member Feuer; out of respect to the memory of Frank DeWitt on motion of Assembly Member Fong; and out of respect to the memory of Robert Huber on motion of Assembly Member Gordon.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk