

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 10, 2011**

**SIXTH SESSION DAY**

**THIRTY-SIXTH 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  
Monday, January 10, 2011

The Assembly met at 12 noon.

Hon. John A. Pérez, Speaker 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 Jones moved a quorum call of the Assembly.

Motion carried. Time, 12:02 p.m.

The Speaker directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

**At 12:05 p.m., Speaker pro Tempore Fiona Ma, 12th District, presiding**

#### Quorum Present

At 12:06 p.m., Speaker pro Tempore Ma declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—74:

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

**PRAYER**

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

*Lord, We pause this morning to offer this prayer for the victims of the tragedy in Tucson, and we ask that You grant rest to the souls of those who lost their life; healing for those injured; and comfort to their families and to all of us who are so deeply affected by this event. We also call to mind, Lord, the heroes who were present that day, who put an end to the terrible violence. Since we know that this world is not Paradise, we look to You for protection when evil confronts us. Bless us all this day, Lord, and be with us every day of our life.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Ma, Assembly Member Gordon 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.

**READING OF THE JOURNAL DISPENSED WITH**

By unanimous consent, reading of the Journal of the previous legislative day was dispensed with.

**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 Davis and Mitchell.*
- Because of illness: Assembly Members Calderon and Hall.*
- Due to a travel delay: Assembly Member Norby.*

**EXPLANATIONS OF ABSENCE**

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

January 10, 2011

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

Dear Mr. Speaker: Due to a very important district appointment, I respectfully request to be excused from the Floor Session today, Monday, January 10, 2011, on legislative business. If you have any questions, please contact Esther Park at 319-3219. I appreciate your consideration of this request.

Sincerely,

MIKE DAVIS, Assembly Member  
Forty-eighth District

January 10, 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 Assembly Floor Session today, Monday, January 10, 2011 due to legislative business in the district.

Please contact my office at 916-319-2047 if there are any questions or concerns.

Thank you for your consideration.

Respectfully,

HOLLY J. MITCHELL, Assembly Member  
Forty-seventh District

#### MESSAGES FROM THE GOVERNOR

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

January 10, 2011

*To the Senate and the Assembly of the California Legislature:*

I hereby submit to you my proposed Budget for 2011–12.

This Budget proposes a far-reaching realignment of government functions by restoring to local government authority to make decisions that are best made closer to the people, not in Sacramento. My plan also envisions reorganizing state government to make it more efficient and save scarce tax dollars by consolidating or eliminating functions. Since it will take some time to fully implement these changes, I propose to ask the voters for a five-year extension of several current taxes so that we can restructure in an orderly manner with minimal disruption.

If we make the tough decisions now and put our accounts in order, we will again make California the national leader in job creation as our nation slowly recovers from the current recession.

We begin 2011, after the longest budget stalemate in the history of California, with a budget gap of more than \$25 billion. Short-term measures and gimmicks adopted in recent years did not solve our problem and in fact made it worse. This Budget closes our short-term budget gap and also eliminates projected future deficits.

The Budget focuses on the core functions of government and maintains essential services. Nowhere is this more important than in our public schools, which have taken big cuts in recent years.

Along with responsibilities returned to local government through the proposed realignment, the Budget provides dedicated and ongoing revenues.

As California's economy begins to recover—and recover it will—our restructuring plan will make California government more transparent, efficient and responsive to the people.

This is a tough budget for tough times. I look forward to working with you and taking decisive action without delay.

Sincerely,

EDMUND G. BROWN JR.

**Receipt**

I acknowledge receipt this 10th day of January 2011 at 10:25 a.m., of the budget for the 2011–12 fiscal year, together with an explanatory message delivered to me personally by Jacque Roberts.

SUE PARKER

Assistant Chief Clerk of the Assembly

Accompanying Governor's Budget and Budget Summary ordered filed with the Secretary of State.

**COMMUNICATIONS**

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

January 10, 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 Wilmer Amina Carter as the Assistant Majority Policy Leader for the 2011–12 Regular Session.

Sincerely,

JOHN A. PÉREZ

Speaker of the Assembly

January 6, 2011

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

RE: Reappointment of Faith Culbreath  
to Commission on Health and Safety  
and Workers' Compensation

Dear Mr. Wilson: Please be advised I have reappointed Ms. Faith Culbreath to the Commission on Health and Safety and Workers' Compensation. This is a term appointment starting January 6, 2011 and the expiration date is December 31, 2013.

Sincerely,

JOHN A. PÉREZ

Speaker of the Assembly

January 7, 2011

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

RE: Reappointment of Sarjeet Gill  
to Scientific Review Panel on Toxic Air Contaminants

Dear Mr. Wilson: Please be advised I have reappointed Dr. Sarjeet Gill to the Scientific Review Panel on Toxic Air Contaminants. This is a term appointment starting January 7, 2011 and the expiration date is January 1, 2014.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

January 7, 2011

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

RE: Reappointment of Jack Buckhorn  
to California Health Facilities Financing Authority

Dear Mr. Wilson: Please be advised I have reappointed Mr. Jack Buckhorn to the California Health Facilities Financing Authority. This is a term appointment starting January 7, 2011 and the expiration date is March 31, 2014.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

January 7, 2011

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

RE: Appointment of Samuel Qiu  
to California Health Facilities Financing Authority

Dear Mr. Wilson: Please be advised I have appointed Mr. Samuel Qiu to the California Health Facilities Financing Authority. This is a term appointment starting January 7, 2011 and the expiration date is March 31, 2011. Mr. Qiu will be replacing Ms. Sumi Sousa.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

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

Joint Legislative Audit Committee to convene jointly with the Committee on Local Government, on Tuesday, January 25, 2011, at 10 a.m., in Room 4202;

Transportation, on Monday, January 24, 2011, at 1:30 p.m., in Room 4202;

Water, Parks and Wildlife, on Tuesday, January 25, 2011, at 2 p.m., in Room 437;

Environmental Safety and Toxic Materials Committee to convene jointly with the Committee on Natural Resources, on Tuesday, February 22, 2011, at 1:30 p.m., in Room 444.

**ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR**

Assembly Member Beall was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting a guest to sit at his desk in the Assembly Chamber, whereupon he introduced his wife, Pat.

**ADJOURN IN MEMORY**

Speaker Pérez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Judge John M. Roll, Gabriel Zimmerman, Dorwan Stoddard, Phyllis Schneck, Dorothy Morris, and Christina-Taylor Green, victims of the shooting in Arizona.

(Assembly Rule 45.5 suspended.)

**REMARKS BY SPEAKER OF THE ASSEMBLY**

Members, I rise to request that we adjourn in memory of the men, women and young girl who were killed this weekend in Arizona. They are: John Roll, age 63, who served as a federal judge; Gabriel Zimmerman, age 30, who was an aide to Congresswoman Giffords; Dorwan Stoddard, age 76; Phyllis Schneck, age 79; Dorothy Morris, age 76; and most tragically of all, Christina-Taylor Green, age 9, who was born on September 11, 2001 and had just been elected President of her class at school when her life was taken.

By now, we are all familiar with the terrible events that occurred on Saturday. We are praying for the swift and speedy recovery of Congresswoman Giffords and the other victims who survived the shooting. And we mourn the men and women who lost their lives that day.

Certainly, much of the news has focused on the condition of Congresswoman Giffords, and on the deaths of her aide and Judge Roll. They died while serving our country in an official capacity. But we must also remember that the other victims of this shooting were also performing a service to our country. They were taking part in government as active and informed citizens.

As a nation whose laws are derived from the just consent of the governed, the highest duty each and every one of us has is to embrace our roles as citizens and to take part in the governing process. The fact that these men and women died in performance of that duty deeply saddens us all, and compounds this tragedy further.

As public servants, every single person under this dome knows that the privilege to serve the people comes with both risks and rewards, and this shooting is a terrible reminder of the risks. But we must remember that the ultimate reward is the opportunity to make our state and country a better place through our service. And that must continue to be our focus.

We live in an era of unprecedented economic pain. Millions of Californians and Americans are suffering on a daily basis, and as the events on Saturday showed all too clearly, sometimes that suffering leads to tragedy. While it will be some time before we fully understand the events leading up to the shooting, we already understand the pain our nation is suffering, and our duty to bring relief to that suffering.

Forty years ago, our nation was wracked by division and anger. Though the causes were very different, the effects were the same, and one victim of that violence was Dr. Martin Luther King, Jr. On the evening of his assassination, Senator Robert Kennedy was scheduled to address a rally in Indianapolis. It fell to him to inform the audience that Dr. King had been shot and killed. He understood the gravity of his words, and I believe they have a special resonance today. Senator Kennedy said:

*“What we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence and lawlessness, but is love and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country . . .*

*We can do well in this country. We will have difficult times. We’ve had difficult times in the past. And we will have difficult times in the future. It is not the end of violence; it is not the end of lawlessness; and it’s not the end of disorder.*

*But the vast majority of . . . people in this country want to live together, want to improve the quality of our life, and want justice for all human beings that abide in our land.”*

As we are called upon to solve challenges unprecedented in the modern history of California, we need to remember that the ties that bind us are far stronger than the small issues that divide us.

As we honor our fellow citizens who will be laid to rest, let us remember that fact and rededicate ourselves to serving our nation and state. That is the highest honor we can pay to the men and women who gave their lives on Saturday.

Members, I request you join me in adjourning in memory for these men and women, and I ask that the Assembly observe a moment of silence. Thank you.

#### **MOMENT OF SILENCE OBSERVED**

The Assembly observed a moment of silence to honor those who were wounded and those who were killed in the terrible events that occurred this weekend in Arizona.



**ADJOURN IN MEMORY**

Assembly Member Atkins was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Michael Portantino, brother of Assembly Member Anthony Portantino, resident of San Diego.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Perea was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of General Vang Pao of Orange County.

(Assembly Rule 45.5 suspended.)

**ANNOUNCEMENTS**

Speaker pro Tempore Ma announced the following session schedule:  
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 Cedillo was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Helen Angelides of Sacramento.

(Assembly Rule 45.5 suspended.)

**ADJOURN IN MEMORY**

Assembly Member Berryhill was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Eusebio “Sam” Cuellar, Jr. of Patterson.

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 Katy McCall of East Palo Alto.

Assembly Member Knight was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ernie Moran of Victorville.

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 Mary Louise Islas of Long Beach.

**MOTION TO ADJOURN**

At 12:22 p.m., Assembly Member Allen moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 12:22 p.m., Speaker pro Tempore Ma 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. 91—Portantino.** An act to add and repeal Section 76072 of the Education Code, relating to student financial aid.

**ASSEMBLY BILL NO. 92—Blumenfield.** An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, to take effect immediately, budget bill.

**ASSEMBLY BILL NO. 93—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson).** An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 94—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson).** An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 95—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson).** An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 96—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson).** An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 97—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson).** An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 98—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson).** An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 99—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson).** An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 100—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson).** An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 101—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson).** An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 102—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson).** An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 103—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson).** An act relating to the Budget Act of 2011.



**ASSEMBLY BILL NO. 117**—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 118**—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 119**—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 120**—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 121**—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 122**—Committee on Budget (Assembly Members Blumenfield (Chair), Alejo, Allen, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson). An act relating to the Budget Act of 2011.

**ASSEMBLY BILL NO. 123**—Mendoza. An act to amend Section 626.8 of the Penal Code, relating to school safety.

**ASSEMBLY BILL NO. 124**—Fuentes. An act to add Section 60811.3 to the Education Code, relating to academic content standards.

**ASSEMBLY BILL NO. 125**—Solorio. An act to add Section 1720.5 to the Labor Code, relating to public works.

**ASSEMBLY BILL NO. 126**—Davis. An act to amend Section 12011.5 of the Government Code, relating to judicial appointments.

#### **INTRODUCTION OF GUESTS**

Assembly Member Atkins, of the 76th Assembly District, introduced students from the University of San Diego, School of Leadership and Education Sciences (SOLES), accompanied by Pat Libby, Director of the Institute for Nonprofit Education and Research, and Hon. Howard Wayne, former Member of the Assembly from 1996 to 2002.

Speaker pro Tempore Ma, of the 12th Assembly District, introduced Javier Marrugo, Colombian leader, President of the Union Portuaria.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Allen, the Assembly adjourned until 7 a.m., Tuesday, January 11, 2011, out of respect to the memory of Judge John M. Roll, Gabriel Zimmerman, Dorwan Stoddard, Phyllis Schneck, Dorothy Morris, and Christina-Taylor Green on motion of Speaker Pérez; out of respect to the memory of Michael Portantino on motion of Assembly Member Atkins; out of respect to the memory of General Vang Pao on motion of Assembly Member Perea; out of respect to the memory of Helen Angelides on motion of Assembly Member Cedillo; out of respect to the memory of Eusebio “Sam” Cuellar, Jr. on motion of Assembly Member Berryhill; out of respect to the memory of Katy McCall on motion of Assembly Member Gordon; out of respect to the memory of Ernie Moran on motion of Assembly Member Knight; and out of respect to the memory of Mary Louise Islas on motion of Assembly Member Lowenthal.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

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