

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 18, 2012**

**ONE HUNDRED THIRTY-SIXTH SESSION DAY**

**FOUR HUNDRED NINTH 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  
Wednesday, January 18, 2012

The Assembly met at 9:30 a.m.

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 Skinner moved a quorum call of the Assembly.

Motion carried. Time, 9:30 a.m.

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

#### Quorum Present

At 9:41 a.m., Speaker Pérez declared a quorum of the Assembly present.

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

Achadjian	Conway	Hernández	Norby
Alejo	Cook	Hill	Olsen
Allen	Dickinson	Huber	Pan
Ammiano	Donnelly	Hueso	Perea
Atkins	Eng	Jeffries	Pérez, V. Manuel
Beall	Feuer	Jones	Portantino
Berryhill	Fong	Knight	Silva
Block	Fuentes	Lara	Skinner
Blumenfield	Gaines	Logue	Solorio
Bonilla	Galgiani	Lowenthal	Swanson
Bradford	Garrick	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	

**PRAYER**

Upon invitation of Speaker Pérez, the following prayer was offered by Assembly Member Richard S. Gordon, of the 21st Assembly District:

*Lord, We gather today to consider the state of this place called California. We come here as representatives of the people of this place—the people who have given us the privilege of service. We reflect their diversity. May we also reflect in our deliberations their challenges and concerns—and their hopes and dreams. Lord, may we have the courage to ask the questions that will bring us wisdom and knowledge. May we have the patience to listen. May we stand firm against the rising tide of individualism as we seek the common good and common ground. And, may we accept with humility the responsibility that we have as the stewards of this time and of this place.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Pérez, Assembly Member Butler 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 Charles Calderon, 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 personal business, and waiving per diem: Assembly Members Fletcher, Furutani, and Huffman.*

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

*Because of illness in their families: Assembly Members Davis and Smyth.*

**COMMUNICATIONS**

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

January 17, 2012

*E. Dotson Wilson*

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

Dear Dotson: Please be advised that I have appointed Assemblymember Tom Ammiano to replace Assemblymember Ricardo Lara on the Assembly Appropriations Committee for the Thursday, January 19 hearing only.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

January 18, 2012

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

Dear Dotson: Please be advised that I have appointed Assemblymember Wesley Chesbro to replace Assemblymember Mike Davis on the Assembly Appropriations Committee for the Thursday, January 19 hearing only.

Sincerely,

JOHN A. PÉREZ  
 Speaker of the Assembly

#### **SPECIAL COMMITTEE MEETINGS**

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

Joint Legislative Committee on Emergency Management on Friday, February 3, 2012, at 2 p.m., at 111 N. First Street, Alhambra.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 18, 2012

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

Assembly Bill No. 236

Assembly Bill No. 832

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

#### **REQUEST FOR PHOTOGRAPHER**

Assembly Member Charles Calderon was granted unanimous consent that photographers be permitted on the Floor of the Assembly.

#### **RECESS**

By unanimous consent, at 9:47 a.m., Speaker Pérez declared the Regular Session of the Assembly recessed.

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### **IN JOINT CONVENTION**

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At 9:47 a.m., the Senate and Assembly met in Joint Convention. Hon. John A. Pérez, Speaker of the Assembly, presiding.

#### **APPOINTMENT OF JOINT COMMITTEE ON ESCORT**

Speaker Pérez appointed Assembly Members Achadjian, Campos, Fong, Gatto, Hagman, Mitchell, and Solorio and Senators Alquist, Dutton, Harman, Kehoe, Alan Lowenthal, Simitian, and Wyland as a Joint Committee on Escort to escort Governor Edmund G. Brown Jr. to the Joint Convention.

#### **INTRODUCTION OF FIRST LADY OF CALIFORNIA**

Speaker Pérez introduced the First Lady of California Anne Gust Brown to the Joint Convention.

**INTRODUCTION OF CONSTITUTIONAL OFFICERS  
AND SPECIAL GUESTS**

Speaker Pérez introduced Hon. Gavin Newsom, Lieutenant Governor; Hon. Kamala Harris, Attorney General; Hon. Debra Bowen, Secretary of State; Hon. John Chiang, Controller; Hon. Bill Lockyer, Treasurer; Hon. Tom Torlakson, Superintendent of Public Instruction; Hon. Dave Jones, Insurance Commissioner; and Board of Equalization Members Hon. Betty Yee (District 1), Hon. George Runner (District 2), and Hon. Michelle Steele (District 3).

**INTRODUCTION OF SUPREME COURT JUSTICES**

Speaker Pérez introduced Hon. Tani Cantil-Sakauye, Chief Justice of California; and Associate Justices Hon. Marvin R. Baxter, Hon. Kathryn Werdegar, Hon. Ming Chin, Hon. Carol A. Corrigan, and Hon. Goodwin Liu.

**PRESENTATION OF CALIFORNIA DIPLOMATIC AND CONSULAR CORPS**

Speaker Pérez then introduced the California Diplomatic and Consular Corps.

**PRESENTATION OF PRESIDENT PRO TEMPORE OF THE SENATE**

Speaker Pérez then presented the Honorable Darrell Steinberg, President pro Tempore of the Senate.

**PRESENTATION OF LIEUTENANT GOVERNOR**

President pro Tempore Steinberg then presented the Honorable Gavin Newsom, Lieutenant Governor and President of the Senate.

**PRESENTATION OF GOVERNOR**

Lieutenant Governor Newsom then presented Honorable Edmund G. Brown Jr., Governor of the State of California, to the Joint Convention.

**ADDRESS BY GOVERNOR**

Governor Brown then addressed the Joint Convention.

**ADJOURNMENT OF JOINT CONVENTION**

At 10:36 a.m., there being no further business, Speaker Pérez declared the Joint Convention adjourned *sine die*.

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**IN ASSEMBLY**

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At 10:36 a.m., the Assembly reconvened.  
Hon. John A. Pérez, Speaker of the Assembly, presiding.

**GOVERNOR'S ADDRESS PRINTED IN JOURNAL**

Without objection, the following text of Governor Brown's State of the State Address was printed in the Journal:

**Governor Edmund G. Brown Jr.**  
**2012 State of the State Address**  
**January 18, 2012**

As required by the state constitution, I am reporting to you this morning on the condition of our state.

Putting it as simply as I can, California is on the mend. Last year, we were looking at a structural deficit of over \$20 billion. It was a real

mess. But you rose to the occasion and together we shrunk state government, reduced our borrowing costs and transferred key functions to local government, closer to the people. The result is a problem one fourth as large as the one we confronted last year.

My goal then was to balance budget cuts with a temporary extension of existing taxes—if the voters approved. You made the reductions and some very difficult decisions but the four Republican votes needed to put the tax measure on the ballot were not there. So we are left with unfinished business: closing the remaining gap.

Again, I propose cuts and temporary taxes. Neither is popular but both must be done. In a world still reeling from the near collapse of the financial system, it makes no sense to spend more than we have. The financial downgrading of the United States, as well as of several governments in Europe, should be warning enough. It is said that the road to hell is paved with good intentions and digging ourselves into a deep financial hole—to do good—is a bad idea. In this time of uncertainty, prudence and paying down debt is the best policy.

For my part, I am determined to press ahead both with substantial budget cuts and my tax initiative. The cuts are not ones I like but the situation demands them. As for the initiative, it is fair. It is temporary. It is half of what people were paying in 2010. And it will protect our schools and guarantee—in the constitution—funding for the public safety programs we transferred to local government. With enough time, we can and should devise more permanent tax reform but for now we should finish the job of bringing spending into balance with revenues.

Putting our fiscal house in order is good stewardship and helps us regain the trust of the people. It also builds confidence in California as a place to invest and realize one's dreams. Contrary to those critics who fantasize that California is a failed state, I see unspent potential and incredible opportunity. Every decade since the 60's, dystopian journalists write stories on the impending decline of our economy, our culture and our politics. Yes, it is fair to say that California is turbulent, less predictable and, well, different. Yet, look at the facts.

After the mortgage bubble burst in 2007, California lost a million jobs, much of it driven by the overleveraged construction industry and its financial partners in the under-regulated mortgage industry. The result is a recovery far slower than after the previous six national recessions. But now we are coming back. In 2011, California personal income grew by almost \$100 billion and 230,000 jobs were created—a rate much higher than the nation as a whole.

Contrary to those declinists, who sing of Texas and bemoan our woes, California is still the land of dreams—as well as the Dream Act. It's the place where Apple, Intel, Hewlett-Packard, Oracle, QUALCOMM, Twitter, Facebook and countless other creative companies all began. It's home to more Nobel Laureates and venture capital investment than any other state. In 2010, California received 48% of U.S. venture capital investments. In the first three months of last year it rose even higher—to 52%. That is more than four times greater than the next recipient, Massachusetts. As for new patents, California inventors were awarded almost four times as many as inventors from the next state, New York.

California has problems but rumors of its demise are greatly exaggerated.

The year 2012 presents plenty of opportunity and, if we work together, we can:

- Stimulate jobs
- Build renewable energy
- Reduce pollution and greenhouse gasses
- Launch the nation's only high speed rail system
- Reach agreement on a plan to fix the Delta
- Improve our schools
- Reform our pensions, and,
- Make sure that prison realignment is working—to protect public safety and reduce recidivism.

Last year, I appointed a top advisor with an impressive background in the private sector and charged him with finding out what doesn't work for business in this state and how to fix it. What he heard consistently was that business needed an effective champion to navigate the state's plethora of complex laws and regulations which can discourage investment and job creation. You enacted a law to restructure our office of business development and place it in the governor's office. Under the name GO-BIZ, we now have a point of contact at the highest level for businesses large and small. More than that, the GO-BIZ office is staffed with people who understand what it's like to be in business and stand ready to intervene and give real help to get businesses open and projects off the ground.

Already California is leading the nation in creating jobs in renewable energy and the design and construction of more efficient buildings and new technologies. Our state keeps demanding more efficient structures, cars, machines and electric devices. We do that because we understand that fossil fuels, particularly foreign oil, create ever rising costs to our economy and to our health. It is true that the renewable energy sector is small relative to the overall economy but it pays good wages and will only grow bigger as oil prices increase and the effects of climate change become more obvious and expensive.

I have set a goal of 20,000 megawatts of renewable energy by 2020. You have laid the foundation by adopting the requirement that one third of our electricity come from renewable sources by that date. This morning I can tell you we are on track to meet that goal and substantially exceed it. In the last two years alone, California has permitted over 16,000 megawatts of solar, wind and geothermal energy projects.

In the beginning of the computer industry, jobs were numbered in the thousands. Now they are in the millions. The same thing will happen with green jobs. And California is positioned perfectly to reap the economic benefits that will inevitably flow.

California also leads the nation in cleaning up the air, encouraging electric vehicles and reducing pollution and greenhouse gases. Our vehicle emissions standards—which have always set the pace—now have been adopted by the federal government for the rest of the country.

Under AB 32, California has stepped out and crafted a bold plan to deal with climate change and foreign oil dependency. The plan will require less carbon in our fuels, more efficient technologies across a broad swath of businesses and a carefully designed cap and trade system that uses market incentives instead of prescriptive mandates.

As a result, California is attracting billions of dollars in clean tech venture capital investments. In 2011, almost 40% of such investments

were made in California, making our state not only the leader in the nation but in the world.

My commitment is to continue these innovative programs and build on them in the coming year in every way that I can.

Just as bold is our plan to build a high speed rail system, connecting the Northern and Southern parts of our state. This is not a new idea. As governor the last time, I signed legislation to study the concept. Now thirty years later, we are within weeks of a revised business plan that will enable us to begin initial construction before the year is out.

President Obama strongly supports the project and has provided the majority of funds for this first phase. It is now your decision to evaluate the plan and decide what action to take. Without any hesitation, I urge your approval.

If you believe that California will continue to grow, as I do, and that millions more people will be living in our state, this is a wise investment. Building new runways and expanding our airports and highways is the only alternative. That is not cheaper and will face even more political opposition.

Those who believe that California is in decline will naturally shrink back from such a strenuous undertaking. I understand that feeling but I don't share it, because I know this state and the spirit of the people who choose to live here. California is still the Gold Mountain that Chinese immigrants in 1848 came across the Pacific to find. The wealth is different, derived as it is, not from mining the Sierras but from the creative imagination of those who invent and build and generate the ideas that drive our economy forward.

Critics of the high speed rail project abound as they often do when something of this magnitude is proposed. During the 1930's, the Central Valley Water Project was called a "fantastic dream" that "will not work." The Master Plan for the Interstate Highway System in 1939 was derided as "new Deal jitterbug economics." In 1966, then Mayor Johnson of Berkeley called BART a "billion dollar potential fiasco." Similarly, the Panama Canal was for years thought to be impractical and Benjamin Disraeli himself said of the Suez Canal: "totally impossible to be carried out." The critics were wrong then and they're wrong now.

Another huge issue we must tackle is water. Last week, Secretary of the Interior Ken Salazar met here in Sacramento with those in my administration who are working to complete the Bay Delta Conservation Plan. Together we agreed that by this summer we should have the basic elements of the project we need to build. This is something my father worked on and then I worked on—decades ago. We know more now and are committed to the dual goals of restoring the Delta ecosystem and ensuring a reliable water supply.

This is an enormous project. It will ensure water for 25 million Californians and for millions of acres of farmland as well as a hundred thousand acres of new habitat for spawning fish and other wildlife. To get it done will require time, political will and countless permits from state and federal agencies. I invite your collaboration and constructive engagement.

Next, I want to say something about our schools. They consume more tax dollars than any other government activity and rightly so as they have a profound effect on our future. Since everyone goes to school, everyone thinks they know something about education and in a sense they do. But that doesn't stop experts and academics and foundation



consultants from offering their ideas—usually labeled reform and regularly changing at ten year intervals—on how to get kids learning more and better. It is salutary and even edifying that so much interest is shown in the next generation. Nevertheless, in a state with six million students, 300,000 teachers, deep economic divisions and a hundred different languages, some humility is called for.

In that spirit, I offer these thoughts. First, responsibility must be clearly delineated between the various levels of power that have a stake in our educational system. What most needs to be avoided is concentrating more and more decision-making at the federal or state level. For better or worse, we depend on elected school boards and the principals and the teachers they hire. To me that means, we should set broad goals and have a good accountability system, leaving the real work to those closest to the students. Yes, we should demand continuous improvement in meeting our state standards but we should not impose excessive or detailed mandates.

My budget proposes to replace categorical programs with a new weighted student formula that provides a basic level of funding with additional money for disadvantaged students and those struggling to learn English. This will give more authority to local school districts to fashion the kind of programs they see their students need. It will also create transparency, reduce bureaucracy and simplify complex funding streams.

Given the cutbacks to education in recent years, it is imperative that California devote more tax dollars to this most basic of public services. If we are successful in passing the temporary taxes I have proposed and the economy continues to expand, schools will be in a much stronger position.

No system, however, works without accountability. In California we have detailed state standards and lots of tests. Unfortunately, the resulting data is not provided until after the school year is over. Even today, the ranking of schools based on tests taken in April and May of 2011 is not available. I believe it is time to reduce the number of tests and get the results to teachers, principals and superintendents in weeks, not months. With timely data, principals and superintendents can better mentor and guide teachers as well as make sound evaluations of their performance. I also believe we need a qualitative system of assessments, such as a site visitation program where each classroom is visited, observed and evaluated. I will work with the State Board of Education to develop this proposal.

The house of education is divided by powerful forces and strong emotions. My role as governor is not to choose sides but to listen, to engage and to lead. I will do that. I embrace both reform and tradition—not complacency. My hunch is that principals and teachers know the most, but I'll take good ideas from wherever they come.

As for pensions, I have put forth my 12 point proposal. Examine it. Improve it. But please take up the issue and do something real. I am committed to pension reform because I believe there is a real problem. Three times as many people are retiring as are entering the workforce. That arithmetic doesn't add up. In addition, benefits, contributions and the age of retirement all have to balance. I don't believe they do today. So we have to take action. And we should do it this year.

As for prison realignment, we are just at the beginning. The cooperation of sheriffs, police chiefs, probation officers, district

attorneys and local officials has been remarkable. But we have much to do—to protect public safety and reduce recidivism—and together, we'll get it done.

It is one thing to pass a law and quite another to implement it and make it work.

As I see it, that's my job as governor and chief executive: make the operations of government work—efficiently, honestly and in the peoples' interest. With your help, that's what we'll do in 2012 and prove the declinists wrong once again.

Thank you.

Sincerely,

EDMUND G. BROWN JR.

#### ANNOUNCEMENTS

Speaker Pérez announced the following session schedule:

Thursday, January 19, 2012, Floor Session, 9 a.m.

#### ADJOURN IN MEMORY

Assembly Member Blumenfield was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Francisco Javier Rodriguez Jr. of the Winnetka district of Los Angeles.

Assembly Member Charles Calderon was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Chris Blake of Sacramento.

#### MOTION TO ADJOURN

At 10:39 a.m., Assembly Member Charles Calderon moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

#### QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:39 a.m., Speaker Pérez 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. 1521—Brownley.** An act to amend Section 60642.5 of the Education Code, relating to the Standardized Testing and Reporting Program.

**ASSEMBLY BILL NO. 1522—Atkins (Principal coauthors: Jeffries and Mitchell) (Principal coauthors: Senators Anderson and Wyland) (Coauthors: Block, Garrick, Hueso, Jones, and Miller) (Coauthors: Senators Kehoe and Vargas).** An act to amend Sections 782.5 and 4324 of the Family Code, relating to family law.

**ASSEMBLY BILL NO. 1523—Perea.** An act to add Section 2704.76 to the Streets and Highways Code, relating to workforce training, and making an appropriation therefor.

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 91—Buchanan.** Relative to American Heart Month and Wear Red Day.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 18, 2012

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

Assembly Bill No. 1148

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

FUENTES, Chair

**ASSEMBLY BILL NO. 1148**—An act to amend Sections 84305.5, 84504, and 84505 of, to add Sections 84506.1, 84506.2, and 84506.3 to, to repeal Sections 84502, 84503, and 84506.5 of, and to repeal and add Sections 84501, 84506, 84507, and 84508 of, the Government Code, relating to the Political Reform Act of 1974.

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.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Business, Professions and Consumer Protection**

Date of Hearing: January 10, 2012

Mr. Speaker: Your Committee on Business, Professions and Consumer Protection reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 127

Assembly Bill No. 1213

Assembly Bill No. 1342

HAYASHI, Chair

Above bills ordered filed with the Chief Clerk.

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

**ASSEMBLY BILL NO. 1405**—An act to amend Section 51.7 of the Civil Code, and to repeal Section 1 of Chapter 1293 of the Statutes of 1976, relating to civil rights.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1166**—An act to add Section 49074.5 to 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 returned to the second reading file.

**ASSEMBLY BILL NO. 1172**—An act to amend Section 47605 of the Education Code, relating to charter schools.

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.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 880**—An act to amend Sections 1353.9 and 1363.07 of the Civil Code, relating to common interest developments, and declaring the urgency thereof, to take effect immediately.

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.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Charles Calderon, the Assembly adjourned until 9 a.m., Thursday, January 19, 2012, out of respect to the memory of Francisco Javier Rodriguez Jr. on motion of Assembly Member Blumenfield; and out of respect to the memory of Chris Blake on motion of Assembly Member Charles Calderon.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 18, 2012**

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

<b>AB</b>	<b>RN</b>
1148	1201600
1166	1201106
1172	1201107

<b>SB</b>	<b>RN</b>
880	1200238

<b>Daily Total:</b>	<b>4</b>
<b>Cumulative Total:</b>	<b>2453</b>

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