

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 20, 2011

THIRTEENTH SESSION DAY

FORTY-SIXTH 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, January 20, 2011

The Assembly met at 10:30 a.m.

Hon. John A. Pérez, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Reading Clerk Russell C. Tomas reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Hagman moved a quorum call of the Assembly.

Motion carried. Time, 10:30 a.m.

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

At 10:31 a.m., Speaker pro Tempore Fiona Ma, 12th District, presiding

Quorum Present

At 10:32 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—73:

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

PRAYER

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

Lord, We glorify You this day, for You have created us to live together in a community. We also thank you today, Lord, for Martin Luther King, Jr. and for all those who believe that people should “not be judged by the color of their skin but by the content of their character.” Let Your love, Lord, and the respect we show to one another, guide our character. Let Your love spread throughout our communities so that all are welcomed, all are valued, and all will know wholeness and well-being.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

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 Lowenthal and Miller.

On personal business, and waiving per diem: Assembly Members Fletcher and Hall.

Because of illness, and waiving per diem: Assembly Member Halderman.

Because of illness in his family, and waiving per diem: Assembly Member Jeffries.

EXPLANATIONS OF ABSENCE

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

January 7, 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 Floor Session on Thursday, January 20, 2011 for legislative business in my district.

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

January 7, 2011

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

Dear Mr. Speaker: I respectfully request to be excused from Floor Session on Thursday, January 20th due to legislative business in my district.

Please contact Esther Shin in my Capitol office at (916) 319-2071 with any questions or concerns. Thank you for your consideration of this request.

Sincerely,

JEFF MILLER, Assembly Member
Seventy-first District

SPECIAL COMMITTEE MEETINGS

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

Accountability and Administrative Review, on Wednesday, January 26, 2011, at 9 a.m., in Room 437.

REQUEST FOR PHOTOGRAPHER

Assembly Member Davis was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

ADJOURN IN MEMORY

Assembly Members Allen and Chesbro were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Peter Kingston of Santa Rosa.

Assembly Member Allen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Paul Battisti of Napa.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 5 (Davis)—Relative to Martin Luther King, Jr. Day.

Resolution read.

Request for Use of Visual Aids

Assembly Member John A. Pérez was granted unanimous consent to use visual aids on the Floor to assist in debate.

Members Made Coauthors of Assembly Concurrent Resolution No. 5

Assembly Member Davis was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 5.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Achadjian, Alejo, Allen, Ammiano, Atkins, Beall, Berryhill, Block, Blumenfield, Bonilla, Brownley, Buchanan, Butler, Calderon, Campos, Cedillo, Chesbro, Conway, Cook, Dickinson, Donnelly, Eng, Feuer, Fong, Fuentes, Galgiani, Garrick, Gatto, Gordon, Gorell, Grove, Hagman, Harkey, Hayashi, Hernández, Hill, Huber, Hueso, Huffman, Jones, Knight, Lara, Logue, Ma, Mansoor, Mendoza, Monning, Morrell, Nestande, Nielsen, Olsen, Pan, Perea, John A. Pérez, V. Manuel Pérez, Portantino, Silva, Skinner, Smyth, Solorio, Torres, Valadao, Wagner, Wieckowski, Williams, and Yamada.

Request for Unanimous Consent

Assembly Member Davis was granted unanimous consent to take up Assembly Concurrent Resolution No. 5, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 5, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 5—Relative to Martin Luther King, Jr. Day.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

At 11:10 a.m., Hon. Steven Bradford, 51st District, presiding

RECESS IN RECOGNITION OF MARTIN LUTHER KING, JR. DAY

By unanimous consent, at 11:10 a.m., Acting Speaker Bradford, Member of the California Legislative Black Caucus, declared the Assembly recessed to permit the introduction of special guests in recognition of Martin Luther King, Jr. Day.

Assembly Member Davis, Vice Chair of the California Legislative Black Caucus, introduced the following Civil Rights Leadership Award Honorees, whereupon they were greeted by Senator Price, Chair of the California Legislative Black Caucus and Members of the California Legislative Black Caucus, and presented with a Members' Resolution:

Civil Rights Leadership Award in Law

Areva Martin

Civil Rights Leadership Award in Community Action

Linda Crayton

Acting Speaker Bradford thanked the Members of the Assembly, the Civil Rights Leadership Award Honorees, and special guests for their participation in today's ceremony and concluded with remarks recognizing and honoring the work of civil rights leader Martin Luther King, Jr.

RECONVENED

At 11:17 a.m., the Assembly reconvened.

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

SPECIAL RECOGNITION

The Members of the Assembly joined Speaker pro Tempore Ma in extending best wishes to Assembly Member Olsen on the occasion of her birthday.

ANNOUNCEMENTS

Speaker pro Tempore Ma announced the following session schedule:
Monday, January 24, 2011, Floor Session, 12 noon;
Tuesday, January 25, 2011, Check-in Session, 7 a.m.–3 p.m.;
Wednesday, January 26, 2011, Check-in Session, 7 a.m.–3 p.m.;
Thursday, January 27, 2011, Floor Session, 9 a.m.

DESK HELD OPEN

Assembly Member Calderon was granted unanimous consent that the Assembly Desk be held open today for the purpose of receiving a proclamation from the Governor relative to the First Extraordinary Session.

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 James L. Black of Browns Valley, Mel Brown of Penn Valley, and Alice Zelma Harris of Marysville.

MOTION TO ADJOURN

At 11:18 a.m., Assembly Member Calderon moved that the Assembly do now adjourn.

Assembly Member Hagman seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:18 a.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. 164—Hayashi. An act to amend Section 14017.8 of the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 165—Lara (Coauthor: John A. Pérez). An act to amend Sections 14501, 35186, and 41020 of, and to add Article 5.5 (commencing with Section 49010) to Chapter 6 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to school fees, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 166—Cook. An act to amend Sections 23151.1, 23151.2, and 23282 of, and to amend and repeal Sections 23153 and 23221 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 167—Cook. An act to amend Section 3003 of the Government Code, and to amend Section 532b of the Penal Code, relating to the California Stolen Valor Act.

ASSEMBLY BILL NO. 168—Gorell, Galgiani, and Nielsen. An act relating to public safety, and making an appropriation therefor.

ASSEMBLY BILL NO. 169—Torres. An act to amend Sections 12000 and 12001 of the Education Code, relating to education finance.

ASSEMBLY BILL NO. 170—Jeffries. An act relating to developmental services.

ASSEMBLY BILL NO. 171—Beall. An act to add Section 1374.73 to the Health and Safety Code, and to add Section 10144.51 to the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 172—Eng. An act to add Section 10111.5 to the Public Contract Code, relating to public contracts.

ASSEMBLY BILL NO. 173—Gatto. An act to amend Section 354.4 of the Code of Civil Procedure, relating to Armenian Genocide.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 8—Butler and Bonnie Lowenthal (Coauthor: Senator Evans). Relative to American Heart Month and Wear Red Day.

MESSAGES FROM THE SENATE

Senate Chamber, January 20, 2011

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 3

GREGORY P. SCHMIDT, Secretary of the Senate
By Bernadette McNulty, Assistant Secretary

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 3—Relative to Martin Luther King, Jr. Day.

INTRODUCTION OF GUESTS

Assembly Member Monning, of the 27th Assembly District, introduced guests from Oceana: Susan Murray, Oceana Director of the Pacific, Juneau, Alaska; Geoff Shester, California Program Director, Monterey; Whit Sheard, Pacific Counsel and Senior Advisor, Portland; and Ashley Blacow, Pacific Policy and Communications Coordinator, Monterey.

Assembly Member Alejo, of the 28th Assembly District, introduced Hon. Daniel Dodge, Sr., Mayor of Watsonville; Hon. Eduardo Montesino, Hon. Bill Neighbors, Council Member for the City of Watsonville, and Carlos Palacios, City Manager for the City of Watsonville.

Speaker pro Tempore Ma, of the 12th Assembly District, introduced Hon. Joey Luiz, Council Member for the City of Clearlake; Hon. Christopher Mateo, Vice Mayor of Lathrop; and Hon. Omar Ornelas, Council Member for the City of Lathrop.

Assembly Member Torres, of the 61st Assembly District, introduced Hon. Freddie Rodriguez, Council Member for the City of Pomona, and his wife Michelle.

Assembly Member Donnelly, of the 59th Assembly District, introduced Hon. Russell “Russ” Blewett, Mayor pro Tempore of the City of Hesperia, and Hon. Bill Holland, Council Member for the City of Hesperia.

Assembly Member Galgiani, of the 17th Assembly District, introduced Hon. Rodrigo Espinoza, Mayor of Livingston, and Gurpal Samra, Council Member for the City of Livingston.

ADJOURNMENT

At 5 p.m., pursuant to the motion by Assembly Member Calderon, the Assembly adjourned until 12 noon, Monday, January 24, 2011, out of respect to the memory of Peter Kingston on motion of Assembly Members Allen and Chesbro; out of respect to the memory of Paul Battisti on motion of Assembly Member Allen, and out of respect to the memory of James L. Black, Mel Brown, and Alice Zelma Harris on motion of Assembly Member Logue.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

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