

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 27, 2011

SEVENTEENTH SESSION DAY

FIFTY-THIRD 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.

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

(Corrected 2-7-11)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 27, 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 9:03 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—74:

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

PRAYER

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

Lord, The more our faith is restrained by adversity, the more progress it makes. It is when we encounter difficulties in life that we take the time to look at the situation and appreciate how You can help us through the tough times. Lord, help us in our daily struggles and grant that we endure the adversity that may come our way to become stronger in life and in faith.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

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 Calderon and Huffman.

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

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

EXPLANATIONS OF ABSENCE

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

January 26, 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 Session on Thursday, January 27 due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

CHARLES M. CALDERON, Assembly Member
Fifty-eighth District

January 26, 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 Session on January 27, 2011 on legislative business. I have several district meetings that I would like to attend.

Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

JARED HUFFMAN, Assembly Member
Sixth District

SPECIAL COMMITTEE MEETINGS

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

Aging and Long-Term Care, to convene jointly with the Committee on Public Safety, on Tuesday, February 22, 2011, at 9:30 a.m., in Room 126.

Agriculture, on Wednesday, February 16, 2011, at 1:30 p.m., in Room 447.

Joint Committee on Fisheries and Aquaculture, on Wednesday, February 16, 2011, at 9 a.m., in Room 4202.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

| <i>Bill No.</i> | <i>Committee</i> |
|-----------------|----------------------------|
| 26 | Jud. and Pub. S. |
| 56 | U. & C. |
| 57 | Trans. and L. Gov. |
| 58 | Trans. |
| 59 | L. & E. |
| 60 | Pub. S. |
| 61 | Trans. |
| 62 | Health |
| 63 | Higher Ed. and V.A. |
| 64 | W.,P. & W. |
| 65 | E. & R. |
| 66 | Rev. & Tax. and Pub. S. |
| 67 | Pub. S. |
| 68 | L. Gov. |
| 69 | Hum. S. |
| 70 | Health |
| 71 | E. & R. |
| 72 | Health |
| 74 | Pub. S. |
| 75 | B. & P. |
| 76 | Trans. |
| 77 | Rev. & Tax. |
| 79 | Higher Ed. and Rev. & Tax. |

| | | |
|-----|-------|--------------------|
| 81 | ----- | Rev. & Tax. |
| 82 | ----- | Trans. |
| 83 | ----- | Nat. Res. |
| 84 | ----- | E. & R. |
| 85 | ----- | Ed. and Higher Ed. |
| 86 | ----- | Ed. |
| 89 | ----- | P.E.,R. & S.S. |
| 90 | ----- | Pub. S. |
| 91 | ----- | Higher Ed. |
| 92 | ----- | Budget |
| 123 | ----- | Pub. S. |
| 124 | ----- | Ed. |
| 125 | ----- | L. & E. |
| 126 | ----- | Jud. |
| 128 | ----- | Nat. Res. |
| 129 | ----- | L. Gov. |

Assembly Concurrent

| <i>Resolution No.</i> | <i>Committee</i> | |
|-----------------------|------------------|--------|
| 1 | ----- | Trans. |
| 2 | ----- | Rls. |
| 4 | ----- | Rls. |
| 9 | ----- | Rls. |
| 11 | ----- | Rls. |

ADJOURN IN MEMORY

Assembly Member Swanson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Berry Bingham of Oakland.

(Assembly Rule 45.5 suspended.)

COMMUNICATIONS

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

January 27, 2011

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

Dear Dotson: Please list the Assembly Business and Professions Committee in the Daily File as the Assembly Business, Professions and Consumer Protection Committee, effective today, January 27, 2011.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

January 27, 2011

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

Dear Dotson: Please be advised that the Assembly Business and Professions Subcommittee on Oversight and Performance Evaluation has been eliminated.

Sincerely,

JOHN A. PÉREZ
 Speaker of the Assembly

The following communication was presented by the Secretary of the Senate, and ordered printed in the Journal:

January 26, 2011

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

Dear Speaker Pérez: The Senate Rules Committee has made the following appointments to joint committees:

- *Joint Committee on Arts*—Senators Price (Chair), Calderon, Cannella, Emmerson, Kehoe, and Liu
- *Joint Committee on Fisheries and Aquaculture*—Senators Evan, Kehoe, La Malfa, and Lowenthal
- *Joint Legislative Audit Committee*—Senators Alquist, Anderson, De León, Dutton, La Malfa, Rubio, and Wolk
- *Joint Committee on Rules*—Senators Alquist, Cannella, Corbett, De León, Dutton, Emmerson, Fuller, Harman, Huff, Kehoe, Leno, Steinberg, Vargas, and Wright
- *Joint Legislative Budget Committee*—Senators DeSaulnier, Emmerson, Huff, Kehoe, Leno, Padilla, Walters, and Wolk

Sincerely,

GREGORY P. SCHMIDT
 Secretary of the Senate

ANNOUNCEMENTS

Speaker pro Tempore Ma announced the following session schedule:
 Friday, January 28, 2011, No session;
 Monday, January 31, 2011, Floor Session, 4:30 p.m., followed by the Governor's State of the State Address.

ADJOURN IN MEMORY

Assembly Member Carter was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Eulalio "Lalo" C. Mendoza and Pauline "Dimples" Murillo of San Bernardino and Gerald W. Beard of Fontana.

Assembly Member Donnelly was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Anna Sugi of Apple Valley.

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 Marguerite "Ty" Killen of Lancaster.

MOTION TO ADJOURN

At 9:09 a.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 9:09 a.m., Speaker pro Tempore Ma declared the quorum call of the Assembly dispensed with.

AUTHOR'S AMENDMENTS**Committee on Public Safety**

January 27, 2011

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 36

Assembly Bill No. 44

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

AMMIANO, Chair

ASSEMBLY BILL NO. 36—An act to amend, repeal, and add Section 11100 of, and to add and repeal Section 11100.02 of, the Health and Safety Code, relating to controlled substances.

Bill read second time.

ASSEMBLY BILL NO. 44—An act to amend Section 3058.6 of the Penal Code, relating to inmates.

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 Rules**

Date of Hearing: January 27, 2011

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 11

With the recommendation: Be adopted.

SKINNER, Chair

Above resolution ordered to third reading.

Date of Hearing: January 27, 2011

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 8

With amendments with the recommendation: Amend, and be adopted as amended.

SKINNER, Chair

Above resolution ordered to second reading.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 193—Knight. An act to add Section 12287.5 to the Elections Code, relating to elections.

ASSEMBLY BILL NO. 194—Beall. An act to add Section 66025.9 to the Education Code, relating to postsecondary education.

ASSEMBLY BILL NO. 195—Roger Hernández (Coauthor: Allen). An act to repeal and add Section 3506 of the Government Code, relating to local public employee organizations.

ASSEMBLY BILL NO. 196—Carter. An act to amend Sections 213 and 226 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 197—Monning. An act to amend Section 1194.2 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 198—Beall. An act relating to adoption.

ASSEMBLY BILL NO. 199—Cook and Ma (Principal coauthor: Senator Yee). An act relating to pupil instruction.

ASSEMBLY BILL NO. 200—Hayashi. An act to add Chapter 11 (commencing with Section 9010) to Part 6 of Division 1 of Title 1 of the Education Code, relating to physical education.

ASSEMBLY BILL NO. 201—Butler. An act to add Chapter 2.97 (commencing with Section 1001.95) to Title 6 of Part 2 of the Penal Code, relating to veterans courts.

ASSEMBLY BILL NO. 202—Brownley. An act to add Section 17562.5 to the Government Code, relating to local educational agencies.

ASSEMBLY BILL NO. 203—Brownley. An act to amend Section 53300 of the Education Code, relating to school intervention.

ASSEMBLY BILL NO. 204—Halderman. An act to add Section 6378.2 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 205—Hagman. An act to add Section 17053.44 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 206—Harkey. An act to amend Section 30106 of the Public Resources Code, relating to coastal resources.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 15—Mansoor (Coauthors: Achadjian, Bill Berryhill, Cook, Donnelly, Grove, Hagman, Harkey, Jeffries, Jones, Knight, Miller, Morrell, Nestande, Nielsen, Olsen, Smyth, Valadao, and Wagner.) A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article V thereof, relating to the Governor's powers.

RESOLUTIONS

The following resolution was offered:

HOUSE RESOLUTION NO. 4—Galgiani and Valadao (Coauthors: Alejo, Bill Berryhill, Hill, Ma, Mendoza, Olsen, Perea, and Yamada.) Relative to California Agriculture Day.

ADJOURNMENT

At 9:09 a.m., pursuant to the motion by Assembly Member Allen, the Assembly adjourned until 4:30 p.m., Monday, January 31, 2011, out of respect to the memory of Berry Bingham on motion of Assembly Member Swanson; out of respect to the memory of Eulalio “Lalo” C. Mendoza, Pauline “Dimples” Murillo, and Gerald W. Beard on motion of Assembly Member Carter; out of respect to the memory of Anna Sugi on motion of Assembly Member Donnelly; and out of respect to the memory of Marguerite “Ty” Killen on motion of Assembly Member Knight.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 27, 2011**

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

AB RN

36 1107670

44 1100454

Daily Total: 2

Cumulative Total: 3

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