

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 31, 2011**  
**EIGHTEENTH SESSION DAY**  
**FIFTY-SEVENTH 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 31, 2011

The Assembly met at 4:30 p.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 Knight moved a quorum call of the Assembly.  
Motion carried. Time, 4:30 p.m.  
The Speaker directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 4:33 p.m., Speaker Pérez declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

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

**PRAYER**

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

*Lord*, Scripture tells us that our words can possess a creative power (Daniel 10:12). With our words, we can either bless or curse our future. Whenever we speak, either good or bad, we are giving life to what we are saying. Guide us, Lord, to use words that go in the direction we want our life to go. Help us to ensure that our words reflect what You have in mind for us so that we can move forward in life and in Your blessing.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Pérez, Assembly Member Cook 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.

**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*

RE: Appointment of Sam Rodriguez  
to Employment Training Panel

Dear Mr. Wilson: Please be advised I have appointed Mr. Sam Rodriguez to the Employment Training Panel. This is a term appointment starting January 27, 2011 and the expiration date is January 1, 2013. Mr. Rodriguez will be replacing Mr. Greg Campbell.

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*

RE: Reappointment of Lillibeth Navarro  
to California Commission on Disability Access

Dear Mr. Wilson: Please be advised I have reappointed Ms. Lillibeth Navarro to the California Commission on Disability Access. This is a term appointment starting January 27, 2011 and the expiration date is January 1, 2014.

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*

RE: Reappointment of Barton Florence  
to Employment Training Panel

Dear Mr. Wilson: Please be advised I have reappointed Mr. Barton Florence to the Employment Training Panel. This is a term appointment starting January 20, 2011 and the expiration date is January 1, 2012.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

January 31, 2011

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

RE: Appointment of Curt Hagman  
to State Allocation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Curt Hagman to the State Allocation Board. This is a pleasure appointment starting January 31, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

January 31, 2011

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

RE: Appointment of Roger Dickinson  
to Capitol Area Committee

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Roger Dickinson to the Capitol Area Committee. This is a term appointment starting January 31, 2011 and the expiration date is December 31, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

January 31, 2011

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

RE: Appointment of Mike Feuer  
to California Child Welfare Council

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Mike Feuer to the California Child Welfare Council. This is a pleasure appointment starting January 31, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

January 31, 2011

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

RE: Appointment of Luis Alejo and Das Williams to  
State Coastal Conservancy

Dear Mr. Wilson: Please be advised I have appointed Assemblymembers Luis Alejo and Das Williams to the State Coastal Conservancy. These are pleasure appointments starting January 31, 2011.

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 31, 2011

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 11  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, January 31, 2011

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 36  
Assembly Bill No. 44  
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**REQUEST FOR PHOTOGRAPHER**

Speaker Pérez was granted unanimous consent that photographers be permitted on the Floor of the Assembly.

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

Speaker Pérez was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting guests in the Assembly Chamber, at the Rostrum, and in the Gallery for the presentation of the State of the State Address by Governor Edmund G. Brown Jr.

**RE-REFERENCE OF BILLS  
PURSUANT TO ASSEMBLY RULE 96**

Assembly Member Calderon was granted unanimous consent that the following bills be re-referred as noted pursuant to Assembly Rule 96:

Assembly Bill No. 36 from the Committee on Public Safety to the Committee on Rules.

**RECESS**

By unanimous consent, at 4:36 p.m., Speaker Pérez declared the Regular Session of the Assembly recessed.

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**IN JOINT CONVENTION**

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At 4:36 p.m., the Senate and Assembly met in Joint Convention. Hon. John A. Pérez, Speaker of the Assembly, presiding.

**INTRODUCTION OF FIRST LADY OF CALIFORNIA**

Speaker Pérez introduced First Lady Anne 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. Bill Lockyer, Treasurer; Hon. John Chiang, Controller; Hon. Tom Torlakson, Superintendent of Public Instruction; Hon. Dave Jones, Insurance Commissioner; and Board of Equalization Members: Hon. Jerome Horton (District 4); Hon. Betty Yee (District 1); and Hon. George Runner (District 2).

**INTRODUCTION OF SUPREME COURT JUSTICES**

Speaker Pérez introduced Hon. Tani Cantil-Sakauye, Chief Justice of California; and Associate Justices Hon. Joyce L. Kennard, Hon. Marvin R. Baxter, Hon. Ming Chin, Hon. Carlos Moreno, and Hon. Carol A. Corrigan.

**APPOINTMENT OF JOINT COMMITTEE ON ESCORT**

Speaker Pérez appointed Assembly Members Ammiano, Buchanan, Carter, Hayashi, Hueso, Portantino, and Wagner, and Senators Alquist, Cannella, Price, Rubio, and Wolk as a Joint Committee on Escort to escort Governor Edmund G. Brown Jr. to the Joint Convention.

**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 the 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 5:24 p.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 5:24 p.m., the Assembly reconvened.

Hon. Fiona Ma, Speaker pro Tempore 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.**  
**2011 State of the State Address**  
**January 31, 2011**

Thank you Lt. Governor Newsom, Speaker Pérez, President Pro Tem Steinberg, Senate Republican Leader Dutton, Assembly Republican Leader Conway, constitutional officers, members of the legislature, distinguished guests, and my fellow citizens:

First of all, I wish to thank all of you in this chamber for the cordiality and good will that you have extended to my wife and me during these opening days of what will be an extraordinarily difficult and wrenching legislative session.

California faces a crisis that is real and unprecedented. Each of us will have to struggle with our conscience and our constituencies as we hammer out a sensible plan to put our state on a sound fiscal footing, *honestly* balance our budget and position California to regain its historic momentum.

Although our state's economy has started to recover, we will not create the jobs we need unless we get our financial house in order. It's absolutely essential that we do our work boldly and without delay.

My intention is to make California again a leader in job creation, renewable energy and state of the art efficiency, innovation of all kinds and a solid primary and secondary education. Our universities are world renowned and I intend to see that they continue to enjoy the respect of students and scholars throughout the world. We also have to restructure our criminal justice system, carefully realign state and local government functions, and streamline state government. All of this can happen if we find the courage and summon the will to tackle our budget deficit head on and deal with it honestly and without purpose of evasion.

This is not a time for politics as usual. The stakes are too high. Our overall financial system, which came close to absolute breakdown, has not fully stabilized. Where we go from here—either more austerity or more stimulus—is hotly contested. Even the cause of the mortgage meltdown remains in dispute.

Voters are clearly telling us that our state and our nation are going in the wrong direction. Yet, our two main political parties both in Washington and in California are as far apart as I have ever seen them. Still, I know that politics is at the heart of democracy. It is the essence of our structure of freedom and the way in which we as a people make our collective decisions. We owe it to ourselves and to our forebears—and to our children—to rise to this occasion, do what is right and regain the public's trust. Kicking the can down the road, by not owning an honest budget, is simply out of the question.

If you are a Democrat who doesn't want to make budget reductions in programs you fought for and deeply believe in, I understand that. If you are a Republican who has taken a stand against taxes, I understand where you are coming from.

But things are different this time. In fact, the people are telling us—in their own way—that they sense that something is profoundly wrong. They see that their leaders are divided when they should be decisive and acting with clear purpose.

We are still a very rich society. In two years alone, Californians will have added more than \$100 billion to their personal income. Yet, our State's credit rating is the lowest of the 50 states, unemployment is higher than the national average and some journalists are calling California a "failed state."

The times call out for vision and for discipline. *Discipline* so that we live within the revenue which the state collects each year, and *vision* so that we rise above mere party, act as Californians first, and put our trust in the people.

Under our form of government, it would be unconscionable to tell the electors of this state that they have no right to decide whether it is better to extend current tax statutes another five years or chop another \$12 billion out of schools, public safety, our universities and our system of caring for the most vulnerable.

Let me read to you, Article 2, Section 1 of the California Constitution:

"All political power is inherent in the people. Government is instituted for their protection, security and benefit, and they have the right to alter or reform it when the public good may require."

When democratic ideals and calls for the right to vote are stirring the imagination of young people in Egypt and Tunisia and other parts of the world, we in California can't say now is the time to block a vote of the people. In the ordinary course of things, matters of state concern are properly handled in Sacramento. But when the elected representatives find themselves bogged down by deep differences which divide them, the only way forward is to go back to the people and seek their guidance. It is time for a legislative check-in with the people of California.

At this moment of extreme difficulty, it behooves us to turn to the people and get a clear mandate on how we should proceed: either to extend the taxes as I fervently believe or cut deeply into the programs from which—under federal law—we can still extract the sums required. Unfortunately, these would most probably include: elementary, middle and high schools, the University of California, the California State University system, prisons and local public safety funding, and vital health programs.



My plan to rebuild California requires a vote of the people, and frankly I believe it would be irresponsible for us to exclude the people from this process. They have a right to vote on this plan. This state belongs to all of us, not just those of us in this chamber. Given the unique nature of the crisis and the serious impact our decisions will have on millions of Californians, the voters deserve to be heard.

Do I like the choices we face? No. I don't. But after serious study of the options left us by a \$25 billion deficit, the budget I have proposed is the best I can devise. If any of you have other suggestions that you think are better, please, share them with us. After all, we are in this together.

In recent days, a lot has been made of the proposed elimination of redevelopment agencies. Mayors from cities both large and small have come to the capitol and pressed their case that redevelopment is different from child care, university funding or grants to the aged, disabled and blind.

They base their case on the claim that redevelopment funds leverage other funds and create jobs. I certainly understand this because I saw redevelopment first hand as mayor of Oakland. But I also understand that redevelopment funds come directly from local property taxes that would otherwise pay for schools and core city and county services such as police and fire protection and care for the most vulnerable people in our society.

So it is a matter of hard choices and I come down on the side of those who believe that core functions of government must be funded first. But be clear, my plan protects current projects and supports all bonded indebtedness of the redevelopment agencies.

From the time I first proposed what I believe to be a balanced approach to our budget deficit—both cuts and a temporary extension of current taxes—dozens of groups affected by one or another of the proposed cuts have said we should cut somewhere else instead. Still others say we should not extend the current taxes but let them go away. So far, however, these same people have failed to offer even one alternative solution.

As I have said before, I have not come here to embrace delay or denial, but to get the job done. If you have solutions that are truly viable, by all means present them. We need everyone's best thinking.

Wherever I look, I see difficult choices. But I also see a bright future up ahead and a California economy that is on the mend. When we get our budget in balance, California will be in a strong position to take advantage of its many assets and its strategic location on the Pacific Rim. As the countries of Asia and south of our border continue to thrive and expand their trade, our state will play a leading role, as it always has, and reap unimagined benefits.

We have the inventors, the dreamers, the entrepreneurs, the venture capitalists and a vast array of physical, intellectual and political assets. We have been called the great exception because for generations Californians have defied the odds and the conventional wisdom and prospered in totally unexpected ways. People keep coming here because of the dream that is still California, and once here, their determination and boundless energy feeds that dream and makes it grow.

When I first came to Sacramento, Steve Jobs and Steve Wozniak had not yet invented their personal computer. There was no wind-generated electricity, and we didn't have the nation's most advanced building and

appliance efficiency standards as we later adopted. Of course, Yahoo, Google, Facebook and Twitter did not exist—not even in someone’s imagination.

California’s economy has grown from less than 200 billion dollars when first I came to this rostrum to now over two trillion dollars expected this year. California has been on the move—a marvel, even a miracle and some kind of gift.

Yes, I will work with you on the issues—from water and realignment to healthcare and prisons, to agriculture, schools, environment and transportation. We must also face the long-term challenge of ensuring that our public pensions are fair to both taxpayers and workers alike. Finally, at a time when more than two million Californians are out of work, we must search out and strip away any accumulated burdens or unreasonable regulations that stand in the way of investment and job creation.

But let’s not forget that Job Number 1—make no mistake about it—is fixing our state budget and getting our spending in line with our revenue. Once we do that, the rest will be easy—at least easier because we will have learned to work together and earned back the respect and trust of the people we serve.

I look forward to working with all of you.  
Thank you.

#### **ANNOUNCEMENTS**

Speaker pro Tempore Ma announced the following session schedule:  
Tuesday, February 1, 2011, Check-in Session, 7 a.m.–3 p.m.;  
Wednesday, February 2, 2011, Check-in Session, 7 a.m.–3 p.m.;  
Thursday, February 3, 2011, Floor Session, 9 a.m.

#### **ADJOURN IN MEMORY**

Assembly Member Portantino was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Arline Emerson of Richmond.

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 Donald J. Martinson of San Clemente.

Assembly Member Williams was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Russ Hicks, Buellton City Council Member, resident of Buellton.

#### **MOTION TO ADJOURN**

At 5:25 p.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 5:25 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. 207—Ammiano.** An act to add Section 48204.1 to the Education Code, relating to school attendance.

**ASSEMBLY BILL NO. 208—Fuentes (Principal coauthor: Campos) (Coauthors: Atkins, Fletcher, Roger Hernández, Hueso, and Smyth) (Coauthor: Senator Padilla).** An act to amend Section 65961 of, and to add Section 66452.23 to, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 209—Ammiano.** An act to amend Section 21089 of the Public Resources Code, relating to environmental quality.

**ASSEMBLY BILL NO. 210—Solorio.** An act to amend Section 1797.270 of the Health and Safety Code, relating to emergency medical services.

**ASSEMBLY BILL NO. 211—Cedillo.** An act to amend Sections 4658.5 and 4658.6 of, and to add Section 4658.7 to, the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 212—Beall.** An act to amend Sections 366.31, 366.4, 388, 391, 727.3, 727.31, 785, 11363, 11386, 11400, and 11403 of, and to add Section 11403.01 to, the Welfare and Institutions Code, relating to public social services.

**ASSEMBLY BILL NO. 213—Silva.** An act to amend Section 11346.4 of the Government Code, relating to regulations.

**ASSEMBLY BILL NO. 214—Davis.** An act to amend Section 22457 of the Business and Professions Code, relating to business.

**ASSEMBLY BILL NO. 215—Beall.** An act to amend Section 76000.10 of the Government Code, relating to emergency services.

**ASSEMBLY BILL NO. 216—Swanson.** An act to amend Section 84810.5 of the Education Code, relating to community colleges.

**ASSEMBLY BILL NO. 217—Carter.** An act to amend Section 6404.5 of the Labor Code, relating to occupational safety and health.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 12—Mendoza.** Relative to César Chávez Day.

**AUTHOR'S AMENDMENTS  
Committee on Education**

January 31, 2011

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

Assembly Bill No. 25

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

BROWNLEY, Chair

**ASSEMBLY BILL NO. 25**—An act to amend Sections 35179.1 and 49032 of, and to add Section 49475 to, the Education Code, relating to high school athletics.

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.

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

January 31, 2011

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

Assembly Bill No. 60

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

AMMIANO, Chair

**ASSEMBLY BILL NO. 60**—An act to amend Section 1192.7 of the Penal Code, relating to sentencing.

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.

**ADJOURNMENT**

At 6 p.m., pursuant to the motion by Assembly Member Calderon, the Assembly adjourned until 7 a.m., Tuesday, February 1, 2011, out of respect to the memory of Arline Emerson on motion of Assembly Member Portantino; out of respect to the memory of Donald J. Martinson on motion of Assembly Member Silva; and out of respect to the memory of Russ Hicks on motion of Assembly Member Williams.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 31, 2011**

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

<b>AB</b>	<b>RN</b>	
25	1107768	
60	1101271	
<b>Daily Total:</b>		<b>2</b>
<b>Cumulative Total:</b>		<b>5</b>

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