

CALIFORNIA LEGISLATURE  
2011–12 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, December 6, 2010**

**FIRST SESSION DAY**

**FIRST 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.

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

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(Corrected 1-21-11)

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Monday, December 6, 2010

At 1:05 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Arnold Schwarzenegger, Governor of the State of California, dated December 6, 2010, convening the Legislature of the State of California on this day in extraordinary session.

In conformity with Government Code Section 9150, the following officers for the 2011–12 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk, Amy Leach, Minute Clerk, and Ronald E. Pane, Chief Sergeant-at-Arms.

Hon. John A. Pérez, Speaker of the Assembly for the 2011–12 Regular Session, presiding.

Reading Clerk Timothy Morland reading.

#### ROLL CALL

The roll was called, and the following answered to their names:

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

**PRAYER**

Upon invitation of the Chief Clerk, the following prayer was offered by Rabbi Allen I. Freehling, Rabbi Emeritus, University Synagogue, Los Angeles:

When thinking about our being together this afternoon, and when we consider the awesome challenges and responsibilities each of you assume, as this new season of your laboring together gets underway, it is my hope and prayer that you will allow the Biblical prophet Isaiah to be your constant guide today and during those many days ahead. Especially when profound problems and confounding perplexities seem to be the most daunting, our ancient sage would urge you to turn and say to one another: “Come now; let us reason together.” Why? Because it will be by this means that you will be most productive.

In turn, we, who have called upon you—individually and as a body—to unconditionally represent us to the best of your ability, will be inclined to measure your many accomplishments and then declare that by your deeds you have caused this place to be “The city of righteousness; the faithful city.”

So, what is required of you as you tirelessly do the people’s business? (That you) “Be strong and resolute” in your doing everything possible to respond to the needs of every child and adult who seeks your care, compassion, strength, understanding and wisdom.

Despite the economic uncertainties and those related societal burdens that now rest upon your shoulders, listen to Isaiah; he reminds you that you have no other choice but to act courageously and faithfully. “Feed the hungry, clothe the naked, lift up the downtrodden,” and make it possible for all of us, who sent you here, to be assured of a better tomorrow and the next day after that.

May God be with each and all of you now and always!—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of the Chief Clerk, Assembly Member-elect and Dean of the Assembly, Hon. Charles M. Calderon led the Assembly in the pledge of allegiance to the Flag.

**PROCLAMATIONS OF THE GOVERNOR**

Speaker Pérez directed the Clerk to read the following proclamations of the Governor convening the Legislature in extraordinary session:

**FISCAL EMERGENCY PROCLAMATION  
BY THE GOVERNOR OF THE STATE OF CALIFORNIA**

WHEREAS California is slowly emerging from the most severe economic downturn since the Great Depression; and

WHEREAS while the U.S. employment has dropped about 5 percent since 2007, employment in California has declined 9 percent (1.4 million jobs); and

WHEREAS due to the slow employment growth in the state, California's unemployment rate is expected to continue above 10 percent through 2012; and

WHEREAS in response to this dire fiscal situation, the Budget Act of 2010 was enacted in October to address a \$19.3 billion projected deficit; and

WHEREAS at the time the Budget Act of 2010 was enacted, the budget reserves for Fiscal Year 2010–11 totaled \$1.3 billion; and

WHEREAS the Legislative Analyst projects a current year budget shortfall of \$6 billion.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, in accordance with Section 10(f) of Article IV of the Constitution of the State of California, HEREBY DETERMINE that General Fund revenues for Fiscal Year 2010–11 will decline substantially below the estimate of General Fund revenues upon which the Budget was based, and as the result of unachieved budget reductions, General Fund expenditures will increase substantially above the estimate of General Fund revenues.

I, ARNOLD SCHWARZENEGGER, Governor of the State of California, HEREBY DECLARE that a fiscal emergency exists.

I, ARNOLD SCHWARZENEGGER, Governor of the State of California, HEREBY IDENTIFY THE NATURE OF THIS FISCAL EMERGENCY to be the projected budget imbalance for Fiscal Year 2010–11.

FURTHER on this day, as required by Section 10(f) of Article IV of the Constitution of the State of California, I will cause the Legislature to assemble in special session to address this fiscal emergency, and I will submit to the Legislature proposed legislation to address this fiscal emergency.

IN WITNESS WHEREOF I have hereunto set my hand  
and caused the Great Seal of the State of California  
to be affixed this 6th day of December 2010.

ARNOLD SCHWARZENEGGER  
Governor of California

ATTEST:  
DEBRA BOWEN  
Secretary of State



(NOTE: On January 20, 2011, Hon. Edmund G. Brown Jr., Governor of the State of California, issued a proclamation which declared and reaffirmed the existence of a fiscal emergency which superseded the above proclamation. See Assembly Journal for the First Extraordinary Session for January 20, 2011, page 35.)

**A PROCLAMATION  
BY THE GOVERNOR OF THE STATE OF CALIFORNIA**

WHEREAS on this date, pursuant to Section 10(f) of Article IV of the Constitution of the State of California, I have proclaimed a fiscal emergency; and

WHEREAS on this date, I am submitting to the Legislature proposed legislation to address that fiscal emergency; and

WHEREAS this extraordinary occasion having arisen and now existing, it requires that the Legislature of the State of California be convened in extraordinary session.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me in accordance with Section 10(f) of Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California on the 6th day of December 2010, at a time to be determined, to consider and act upon legislation to address the fiscal emergency proclaimed by me this day.

IN WITNESS WHEREOF I have hereunto set my hand  
and caused the Great Seal of the State of California  
to be affixed this 6th day of December, 2010.

ARNOLD SCHWARZENEGGER  
Governor of California

ATTEST:

DEBRA BOWEN  
Secretary of State

**Proclamation Receipt**

I acknowledge receipt this 6th day of December 2010 at 11:10 a.m., of a proclamation by the Governor, regarding a fiscal emergency, accompanied by proposed legislation to address the fiscal emergency, delivered to me personally by Jacque Roberts.

SUE PARKER  
Assistant Chief Clerk of the Assembly

**ELECTION OF SPEAKER**

Assembly Member Calderon moved that the election of Speaker John A. Pérez by acclamation of the Members of the Assembly on December 6, 2010, to the Office of Speaker of the Assembly for the 2011–12 Regular Session, and the Oath of Office administered (Assembly Daily Journal for the Regular Session, page 7), be substituted in the 2011–12 First Extraordinary Session.

Assembly Member Hagman seconded the motion.

Motion carried.



**OATH OF OFFICE**

The following oath of office was administered to Speaker-elect John A. Pérez, on Monday, December 6, 2010 by the Honorable Tani G. Cantil-Sakauye, Chief Justice-elect of California and Associate Justice, Third District Court of Appeal of California, and without objection was substituted in the First Extraordinary Session:

**OATH**

*for the Office of Speaker of the California Assembly*

I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**ADOPTION OF STANDING RULES**

Assembly Member Calderon moved that the Permanent Standing Rules of the Assembly for the 2011–12 Regular Session be adopted as the Rules for the 2011–12 First Extraordinary Session, and that the roll call vote taken December 6, 2010 (Assembly Daily Journal for the Regular Session, page 56), be substituted in the First Extraordinary Session.

Assembly Member Conway seconded the motion.

Motion carried and the following vote substituted:

**AYES—52**

Alejo	Campos	Gordon	Monning
Allen	Carter	Hall	Pan
Ammiano	Cedillo	Hayashi	Perea
Atkins	Chesbro	Hernández	Pérez, V.M.
Beall	Davis	Hill	Portantino
Block	Dickinson	Huber	Skinner
Blumenfield	Eng	Hueso	Solorio
Bonilla	Feuer	Huffman	Swanson
Bradford	Fong	Lara	Torres
Brownley	Fuentes	Lowenthal	Wieckowski
Buchanan	Furutani	Ma	Williams
Butler	Galgiani	Mendoza	Yamada
Calderon	Gatto	Mitchell	Mr. Speaker

**NOES—28**

Achadjian	Garrick	Jones	Nielsen
Berryhill	Gorell	Knight	Norby
Conway	Grove	Logue	Olsen
Cook	Hagman	Mansoor	Silva
Donnelly	Halderman	Miller	Smyth
Fletcher	Harkey	Morrell	Valadao
Gaines	Jeffries	Nestande	Wagner

(NOTE: For the text of the Assembly Standing Rules, see Assembly Daily Journal for the Regular Session for December 6, 2010, page 13.)

**APPOINTMENT OF SPEAKER PRO TEMPORE**

Assembly Member Calderon moved that the appointment of Fiona Ma on December 6, 2010, as Speaker pro Tempore of the Assembly for the 2011–12 Regular Session, and the Oath of Office administered (Assembly Daily Journal for the Regular Session, page 12), be substituted in the 2011–12 First Extraordinary Session.

Assembly Member Conway seconded the motion.

Motion carried.

**OATH OF OFFICE ADMINISTERED**

The following oath of office was administered by the Honorable Tani G. Cantil-Sakauye, Chief Justice-elect of California and Associate Justice, Third District Court of Appeal of California:

**OATH**

*for the Office of Speaker pro Tempore of the Assembly*

I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**ELECTION OF OFFICERS OF THE ASSEMBLY**

Assembly Member Calderon moved that the non-member officers in the Assembly for the 2011–12 Regular Session be deemed the non-member officers in the 2011–12 First Extraordinary Session, and that the roll call vote and their Oaths of Office in the Regular Session (Assembly Daily Journal for the Regular Session, page 56), be substituted: E. Dotson Wilson, Chief Clerk; Ronald E. Pane, Chief Sergeant-at-Arms; Father Constantine C. Pappademos, Chaplain; Reverend Ivan L. Williams, Sr., Alternate Chaplain.

Assembly Member Conway seconded the motion.

Motion carried and the following vote substituted:

**AYES—80**

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

**NOES—None**

**OATHS OF OFFICE ADMINISTERED**

The following oath of office was administered to Chief Clerk-elect E. Dotson Wilson, Chief Sergeant-at-Arms-elect Ronald E. Pane, Chaplain-elect Father Constantine C. Pappademos, and Alternate Chaplain-elect Reverend Ivan L. Williams, Sr., on December 6, 2010 by the Honorable Tani G. Cantil-Sakauye, Chief Justice-elect of California and Associate Justice, Third District Court of Appeal of California.

**OATH**

I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**MOTION RELATIVE TO ORGANIZATION OF THE ASSEMBLY**

Assembly Member Calderon moved that the provisions of House Resolution No. 3 in the 2011–12 Regular Session, relative to the payment of Members, officers, and attachés of the Assembly; and distribution of Weekly Histories (Assembly Daily Journal for the Regular Session, page 58), be substituted in the 2011–12 First Extraordinary Session.

Assembly Member Conway seconded the motion.

Motion carried and the following vote substituted:

**AYES—80**

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

**NOES—None**

(NOTE: For the text of House Resolution No. 3, see Assembly Daily Journal for the Regular Session for December 6, 2010, page 58.)



**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

December 6, 2010

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

Dear Dotson: Please be advised that I have appointed the following Democratic Leadership for the 2011–12 First Extraordinary Session:

Speaker pro Tempore	Hon. Fiona Ma
Majority Floor Leader	Hon. Charles Calderon
Majority Policy Leader	Hon. Mike Feuer
Democratic Caucus Chair	Hon. Jerry Hill
Rules Committee Chair	Hon. Nancy Skinner

Sincerely,

JOHN A. PÉREZ  
Speaker of the Assembly

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The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

November 4, 2010

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

Dear Mr. Wilson: This letter is to inform you that I have been elected Assembly Republican Leader effective December 1, 2010.

If you have any questions regarding this letter, please contact Dillon Gibbons at 319-2034. It is an honor working with you in the California State Assembly.

Sincerely,

CONNIE CONWAY  
Assembly Republican Leader Elect

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1—Portantino.** An act to add and repeal Section 18005 of the Government Code, relating to state employment.

**ASSEMBLY BILL NO. 2—Logue.** An act to add Section 39615 to the Health and Safety Code, relating to air pollution.

**ASSEMBLY BILL NO. 3—Logue.** An act to add Section 11349.95 to the Government Code, relating to regulations.

**ASSEMBLY BILL NO. 4—Logue.** An act to amend Section 11343.4 of the Government Code, relating to regulations.

**ASSEMBLY BILL NO. 5—Logue.** An act to amend Section 11346.4 of the Government Code, relating to regulations.

**ASSEMBLY BILL NO. 6—Logue.** An act to amend Section 11357 of the Government Code, relating to regulations.

**ASSEMBLY BILL NO. 7—Logue.** An act to amend Section 13332.18 of, and to add Section 13332.185 to, the Government Code, relating to the General Fund.

**ASSEMBLY BILL NO. 8—Ma.** An act to amend Section 8879.61 of the Government Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 1—Portantino.** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding and repealing Section 8.5 of Article II thereof, by adding and repealing Section 8.5 of Article IV thereof, and by adding and repealing Section 1.2 of Article XVI thereof, relating to state finance.

**ADJOURNMENT**

At 1:10 p.m., the Assembly adjourned to reconvene upon call of the Speaker.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk