

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, January 10, 2011

The Senate met at 2:30 p.m.
Hon. S. Joseph Simitian, of the 11th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Zachary L. Twilla reading.

QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:
Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee—38.

Quorum present.



PRAYER

Upon invitation of the President, the following prayer was offered by Rev. Dr. Pamela Anderson, Countyside Community Church, Esparto:

In light of the tragedy over the weekend in Arizona with Congresswoman Gabrielle Giffords and the six who lost their lives and the thirteen others who are recovering from their wounds, on behalf of the citizens and clergy of California, we would like to thank you for your public service. We know that your jobs are not easy. We appreciate your hard work and dedication to this great state of California. It is our prayer that this tragedy has not deterred your focus and enthusiasm to better the lives of all Californians, but rather, that you have found a deeper resolve to make California an even greater state.

Let us pray:

Eternal God, We pray for Congresswoman Giffords and for her recovery. We pray for those who have lost loved ones. We pray for those who are recovering from their wounds. This has been a national tragedy that has affected all of us. We pray now for our California Senate and we pray for their safety in public service. We pray for a sense of calm as issues are debated across the aisle, in this room and on street corners. Lord God, may our California Senators know how much their public service is appreciated and give them the strength and courage to continue to serve.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Rubio led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

January 7, 2011

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective close of business January 7, 2011, the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Stephan D. Moore	Member, Boating and Waterways Commission
David A. Rabago, DC	Member, State Board of Barbering and Cosmetology
Margo Reid Brown	Director, Department of Resources, Recycling and Recovery
Lester A. Snow	Secretary, Natural Resources Agency
Bill Leonard	Secretary, State and Consumer Services Agency

Sincerely,

EDMUND G. BROWN JR., Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
January 10, 2011

To the Members of the Senate:

I hereby submit to you my proposed Budget for 2011–12.

This Budget proposes a far-reaching realignment of government functions by restoring to local government authority to make decisions that are best made closer to the people, not in Sacramento. My plan also envisions reorganizing state government to make it more efficient and save scarce tax dollars by consolidating or eliminating functions. Since it will take some time to fully implement these changes, I propose to ask the voters for a five-year extension of several current taxes so that we can restructure in an orderly manner with minimal disruption.

If we make the tough decisions now and put our accounts in order, we will again make California the national leader in job creation as our nation slowly recovers from the current recession.

We begin 2011, after the longest budget stalemate in the history of California, with a budget gap of more than \$25 billion. Short-term measures and gimmicks adopted in recent years did not solve our problem and in fact made it worse. This Budget closes our short-term budget gap and also eliminates projected future deficits.

The Budget focuses on the core functions of government and maintains essential services. Nowhere is this more important than in our public schools, which have taken big cuts in recent years.

Along with responsibilities returned to local government through the proposed realignment, the Budget provides dedicated and ongoing revenues.

As California's economy begins to recover—and recover it will—our restructuring plan will make California government more transparent, efficient and responsive to the people.

This is a tough budget for tough times. I look forward to working with you and taking decisive action without delay.

Sincerely,

EDMUND G. BROWN JR., Governor



MOMENT OF SILENCE

Senator Corbett requested that the Senate observe a moment of silence for the victims of the Tucson Arizona tragedy.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 2:55 p.m., on motion of Senator Steinberg, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Steinberg moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, January 11, 2011.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, January 10, 2011

The Committee on Rules has referred the following measure to committee:

Rules—SCA 2.

Senate Chamber, January 10, 2011

Mr. President: The Chair of the Committee on Rules, to which was referred:

SCA 2

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

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Senate Constitutional Amendment 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Sections 3, 8, 10, and 12 of Article IV thereof, relating to legislative sessions.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Bill 67: By Senator Price—An act to add Section 14838.8 to the Government Code, relating to public contracts.

Senate Bill 68: By Senator Leno—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article



IV of the Constitution of the State of California, to take effect immediately, budget bill.

Senate Bill 69: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 70: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 71: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 72: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 73: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 74: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 75: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 76: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 77: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 78: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 79: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 80: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 81: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 82: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 83: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 84: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 85: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.



Senate Bill 86: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 87: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 88: By Senator Yee (Coauthor: Assembly Member Eng)—An act to add Section 13211.7 to the Elections Code, relating to elections.

Senate Bill 89: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 90: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 91: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 92: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 93: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 94: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 95: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 96: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 97: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 98: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Bill 99: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2011.

Senate Constitutional Amendment 7: By Senator Yee—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article I thereof, relating to meetings of public bodies.

LETTERS OF TRANSMITTAL

The following transmittals were ordered printed in the Journal:

An agency report dated: December 2, 2010, relating to the 2010 Sunset Review, was received from the Architects Board and transmitted to the Committee on Business, Professions and Economic Development.



An agency report dated: December 29, 2010, relating to the Investment Holdings, was received from the Teachers' Retirement System and transmitted to the Committee on Public Employment and Retirement.

An agency report dated: December 10, 2010, relating to the 2010 OAL Determination No. 30 (S), was received from the Office of Administrative Law and transmitted to the Committee on Governmental Organization.

An annual report dated: November 23, 2010, relating to the Public Transportation Modernization, Improvement, and Service Enhancement Account Program, was received from the Department of Transportation and transmitted to the Committee on Transportation and Housing.

An agency report dated: December 10, 2010, relating to the 2009 Statistical Report, was received from the Department of Consumer Affairs and transmitted to the Committee on Business, Professions and Economic Development.

An agency report dated: December 10, 2010, relating to the REAL-ID Act for the Quarter ending June 30, 2010, was received from the Department of Motor Vehicles and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 6, 2010, relating to the 2010 OAL Determination No. 29 (S), was received from the Office of Administrative Law and transmitted to the Committee on Governmental Organization.

A supplemental report dated: December 8, 2010, relating to the Sales and Use Tax Department, Statewide Compliance and Outreach Program, was received from the Board of Equalization and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 10, 2010, relating to the Integrated Approach for Sustainable Development on Alluvial Fans, was received from the Department of Water Resources and transmitted to the Committee on Natural Resources and Water.

An agency report dated: December 10, 2010, relating to the Findings and Recommendations, was received from the Department of Water Resources and transmitted to the Committee on Natural Resources and Water.

An agency report dated: December 31, 2010, relating to the Investment holdings in Companies with Business Operations in Sudan, was received from the Public Employment and Retirement System and transmitted to the Committee on Public Employment and Retirement.

An agency report dated: December 9, 2010, relating to the Local Workforce Investment Board Training Expenditures, was received from the Employment Development Department and transmitted to the Committee on Public Employment and Retirement.



An annual report dated: December 8, 2010, relating to the Railroad Safety Activity, was received from the Commission on Public Utilities and transmitted to the Committee on Energy, Utilities and Communications.

An agency report dated: December 31, 2010, relating to the Investment Holdings in Companies with Business Operations in Iran, was received from the Public Employment and Retirement System and transmitted to the Committee on Public Employment and Retirement.

An annual report dated: December 23, 2010, relating to the Transmittal of Public Utilities Commission, was received from the Commission on Public Utilities and transmitted to the Committee on Energy, Utilities and Communications.

A final report dated: December 30, 2010, relating to the Early Learning Quality Improvement System, was received from the Department of Education and transmitted to the Committee on Education.

An annual report dated: December 31, 2010, relating to the Children's Hospital Program of 2004 and 2008, was received from the Health Facilities Financing Authority and transmitted to the Committee on Governmental Organization.

An agency report dated: January 5, 2011, relating to the American Recovery and Reinvestment Act Enhancing Education through Technology Competitive Grants FY 2010–11, was received from the Department of Education and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: December 9, 2010, relating to the Federal Carryover Funds, was received from the Department of Education and transmitted to the Committee on Education.

An annual report dated: December 29, 2010, relating to the Provision of Financial Services by Lawyers, was received from the California State Bar and transmitted to the Committee on Business, Professions and Economic Development.

An agency report dated: December 6, 2010, relating to the 2010 Green building Guidelines and Standards, was received from the Department of Housing and Community Development and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 31, 2010, relating to the Student Voter Registration Efforts, was received from the Office of the Secretary of State and transmitted to the Committee on Elections, Reapportionment and Constitutional Amendments.

An agency report dated: January 1, 2011, relating to the Use of Neighborhood Electric Vehicles for the City of Lincoln and Rocklin, was received from the Office of the City of Lincoln and transmitted to the Committee on Natural Resources and Water.



An audit report dated: December 14, 2010, relating to the Interim Reporting: FY 2009–10 Single Audit, was received from the California State Auditor and transmitted to the Committee on Rules.

An annual report dated: December 9, 2010, relating to the Federal Carryover Funds, was received from the Department of Education and transmitted to the Committee on Education.

An agency report dated: December 29, 2010, relating to the Patient Benefit Fund Report, was received from the Department of Mental Health and transmitted to the Committee on Human Services.

An annual report dated: December 3, 2010, relating to the Efforts to Reduce dependency on Fossil Fuels, was received from the Department of Water Resources and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: November 8, 2010, relating to the FY 2009–10 Court Facilities Trust Fund Expenditures, was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

An agency report dated: December 3, 2010, relating to the Recommendations and Progress for Implementing Energy Efficiency Measures in State Facilities, was received from the Department of General Services and transmitted to the Committee on Environmental Quality.

An agency report dated: November 29, 2010, relating to the 2010 OAL Determination No. 28 (S), was received from the Office of Administrative Law and transmitted to the Committee on Governmental Organization.

An annual report dated: November 19, 2010, relating to the State Obligation Bond Measure for the School Facility Program, was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

An agency report dated: November 29, 2010, relating to the Third Report Pursuant to Section 820.1 of the Streets and Highway Code, was received from the Department of Transportation and transmitted to the Committee on Governmental Organization.

An agency report dated: December 7, 2010, relating to the Implementation of the California Environmental Contaminant Biomonitoring Program, was received from the Department of Public Health and transmitted to the Committee on Health.

A quarterly report dated: November 30, 2010, relating to the Bureau of Medi-Cal Fraud and Elder Abuse, was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.



An annual report dated: December 31, 2010, relating to the Kapiloff Land Bank, was received from the State Lands Commission and transmitted to the Committee on Natural Resources and Water.

An agency report dated: December 8, 2010, relating to the Board of Vocational Nursing and Psychiatric Technicians, was received from the Department of Consumer Affairs and transmitted to the Committee on Business, Professions and Economic Development.

An annual report dated: December 15, 2010, relating to the 2010 Annual Report, was received from the Department of Transportation Commission and transmitted to the Committee on Transportation and Housing.

An agency report dated: December 1, 2010, relating to the Capital Outlay Support Program, was received from the Department of Transportation and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: December 17, 2010, relating to the Renewable Energy Program 2010, was received from the Commission on Energy and transmitted to the Committee on Energy, Utilities and Communications.

An agency report dated: December 16, 2010, relating to the Memoranda of Understanding, was received from the Office of the Legislative Analyst and transmitted to the Committee on Governmental Organization.

An annual report dated: December 20, 2010, relating to the Real Estate Fraud Prosecution Trust Fund Program, was received from the Office of the Legislative Analyst and transmitted to the Committee on Health.

An audit report dated: December 21, 2010, relating to the High Risk Update American Recovery and Reinvestment Act of 2009, was received from the California State Auditor and transmitted to the Committee on Rules.

An agency report dated: December 14, 2010, relating to the Trial Court Interpreters Program Expenditure FY 2009–10, was received from the Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: November 15, 2010, relating to the 2010 Status Report on the Implementation of County Eligibility Lists, was received from the Department of Education and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 20, 2010, relating to the Federal Government Monetary Benefits Paid to Eligible Veterans, was received from the Department of Veterans Affairs and transmitted to the Committee on Veterans Affairs.



An agency report dated: December 22, 2010, relating to the Foreclosure Prevention Act, was received from the Business, Transportation and Housing Agency and transmitted to the Committee on Transportation and Housing.

An agency report dated: December 22, 2010, relating to the Veterans Affairs Report by Secretary Roger Brautigan, was received from the Department of Veterans Affairs and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 22, 2010, relating to the Independent Project Oversight Reports for the CA Court Case Management System, was received from the Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: December 13, 2010, relating to the Expenditure of Non-vehicular Source Fees FY 2008–2009, was received from the Air Resources Board and transmitted to the Committee on Natural Resources and Water.

An annual report dated: December 15, 2010, relating to the School Paraprofessional Teacher Training Program, was received from the Commission on Teacher Credentialing and transmitted to the Committee on Education.

A quarterly report dated: January 7, 2011, relating to the Third Quarter 2010 Total Fund Performance Reporting, was received from the Public Employment and Retirement System and transmitted to the Committee on Public Employment and Retirement.

An annual report dated: January 6, 2011, relating to the 2010 Performance Report and Executive Summary, was received from the Office of Traffic Safety and transmitted to the Committee on Public Safety.

An agency report dated: December 27, 2010, relating to the Feasibility of Using Remote Sensing Devices to Measure Locomotive Emissions, was received from the Air Resources Board and transmitted to the Committee on Natural Resources and Water.

An annual report dated: January 3, 2011, relating to the Capital Access Program, was received from the Pollution Control Financing Authority and transmitted to the Committee on Business, Professions and Economic Development.

A quarterly report dated: December 2, 2010, relating to the 2010 Capitol Outlay, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.



An agency report dated: December 14, 2010, relating to the Financial Statements ending September 30, 2010, was received from the Department of California Lottery and transmitted to the Committee on Governmental Organization.

An agency report dated: December 9, 2010, relating to the Allocations and Reimbursements to the Trial Courts FY 2009–10, was received from the Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: November 22, 2010, relating to the Utilization of Facilities, was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: November 22, 2010, relating to the Crime in California, 2009, was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: November 23, 2010, relating to the AB 142 Expenditures, was received from the Department of Water Resources and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: January 7, 2011, relating to the 2009–10 Census of Employees in the State Civil Service, was received from the Personnel Board and transmitted to the Committee on Public Employment and Retirement.

An agency report dated: November 15, 2010, relating to the Hazardous Waste Fee Revenue, was received from the Board of Equalization and transmitted to the Committee on Environmental Quality.

An agency report dated: December 31, 2010, relating to the Reading First, was received from the Department of Education and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: December 15, 2010, relating to the Level of Participation of Small Businesses, Socially and Economically Disadvantaged Businesses in all Contracts Awarded, was received from the State Lottery and transmitted to the Committee on Governmental Organization.

An annual report dated: December 31, 2010, relating to the Target Business Enterprise Program 2009–2010, was received from the Office of the State Treasurer and transmitted to the Committee on Business, Professions and Economic Development.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Berryhill requested that when the Senate adjourns this day it do so in memory of Frances Marie Levy of Fresno.

Senator Cannella requested that when the Senate adjourns this day it do so in memory of Sam Cuellar of Patterson.

Senator DeSaulnier requested that when the Senate adjourns this day it do so in memory of Catherine Kerr of El Cerrito and Lenny Byer of Oakley.

Senator Kehoe requested that when the Senate adjourns this day it do so in memory of Douglas Iver Tilden.

Senators Rubio and Cannella requested that when the Senate adjourns this day it do so in memory of General Vang Pao of Fresno.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Anne Nicolas Kirby of Palo Alto.

Senators Steinberg and Alquist requested that when the Senate adjourns this day it do so in memory of Helen Angelides of Sacramento.

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Gabe Zimmerman, U.S. Dist. Judge John Roll, Christina Taylor Green, Dorwan Stoddard, Dorothy Morris, and Phyllis Schneck.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, January 11, 2011.

PAULA K. ROSSETTO, Minute Clerk

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