

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, February 15, 2011

The Senate met at 9 a.m.

Hon. Curren Price, of the 26th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary Zachary L. Twilla reading.

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, and Wright—36.

Quorum present.

(NOTE: Senator Yee will be excused this day on legislative business and Senator Wyland will be excused this day on personal business.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 14, 2011

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

ACR 4

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 4—Relative to California Holocaust Memorial Week.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, February 15, 2011

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

SB 16

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 Bill 16**—An act relating to energy.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 16 pursuant to Joint Rule 58.

SENATOR RUBIO

Permission of Rules Committee

Senate Chamber, February 15, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 16.

STEINBERG, Chair

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

Committee on Governance and Finance

Senate Chamber, February 15, 2011

Mr. President: The Chair of the Committee on Governance and Finance, to which was referred:

SCA 2

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

WOLK, 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 327: By the Committee on Elections and Constitutional Amendments (Senators Correa (Chair), De León, Gaines, La Malfa, and Wolk)—An act to amend Sections 9205, 10226, and 10407 of the Elections Code, relating to elections.

Senate Bill 328: By Senator Kehoe—An act to add Section 1240.055 to the Code of Civil Procedure, relating to eminent domain.

Senate Bill 329: By Senator Correa—An act to amend Section 76104.6 of the Government Code, relating to county penalties.

Senate Bill 330: By Senator Padilla—An act to amend Sections 30104, 30108, and 30181 of, and to add Article 4 (commencing with Section 30135) to Chapter 2 of Part 13 of Division 2 of, the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, to take effect immediately, tax levy.

Senate Bill 331: By Senator Padilla—An act to amend Sections 22973.1 and 22974.8 of, and to add Section 22974.9 to, the Business and Professions Code, relating to cigarettes and tobacco products.

Senate Bill 332: By Senator Padilla—An act to add Article 1.5 (commencing with Section 104497) to Chapter 1 of Part 3 of Division 103 of the Health and Safety Code, relating to smoking.

Senate Bill 333: By Senator La Malfa—An act to amend Section 22406 of the Vehicle Code, relating to vehicles.

Senate Bill 334: By Senator DeSaulnier—An act to amend Sections 9084 and 9086 of the Elections Code, and to amend Sections 88001 and 88002 of the Government Code, relating to elections.

Senate Bill 335: By Senators Hernandez and Steinberg—An act relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

Senate Bill 336: By Senator De León—An act to add and repeal Section 1257.10 of the Health and Safety Code, relating to health facilities.

Senate Bill 337: By Senator Kehoe—An act to add Section 1940.4 to the Civil Code, relating to tenancy.

Senate Bill 338: By Senator Cannella—An act to amend Section 186.22 of the Penal Code, relating to criminal street gangs.



Senate Bill 339: By Senator Wolk (Coauthor: Senator Evans) (Coauthor: Assembly Member Chesbro)—An act to add Section 23038.3 to the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 340: By Senator Wolk (Coauthor: Assembly Member Chesbro)—An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 341: By Senator Lowenthal—An act to amend Section 27000 of the Vehicle Code, relating to vehicles.

Senate Bill 342: By Senator Wolk—An act to amend Sections 19116, 19164, and 19504 of, to add Sections 18407.5 and 19165 to, to add Article 3 (commencing with Section 19761) to Chapter 9.5 of Part 10.2 of Division 2 of, to add the headings of Article 1 (commencing with Section 19751) to, Article 2 (commencing with Section 19755) to, and Article 4 (commencing with Section 19772) to, Chapter 9.5 of Part 10.2 of Division 2 of, and to repeal and amend Sections 19751, 19752, 19753, 19754, and 19755 of, the Revenue and Taxation Code, relating to taxation.

Senate Bill 343: By Senator De León—An act to amend Section 25747 of the Public Resources Code, relating to energy.

Senate Bill 344: By Senator Wyland—An act to amend Section 16110 of the Business and Professions Code, relating to local government.

Senate Bill 345: By Senator Wolk—An act to amend Section 9720 of the Welfare and Institutions Code, relating to public social services.

Senate Bill 346: By Senator Harman—An act to amend Section 23399.5 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 347: By Senator Rubio—An act relating to postsecondary education.

Senate Bill 348: By Senator Correa—An act to amend Sections 3020 and 4103 of the Elections Code, relating to elections.

Senate Bill 349: By Senator Negrete McLeod—An act to amend Sections 22404, 22851, 23100, 23101, 23103, 23104, 23801, 23802, 23851, 23852, 23854, 24001, 24002, 24003, 24102, 24103, 24204, 24205, 24214, 24214.5, 24216, 24216.5, 24216.6, 24300.1, 24309, 24600, and 26505 of, and to add Sections 22161.3, 22853.5, 26812, and 26813 to, the Education Code, relating to teachers' retirement.

Senate Bill 350: By Senator Negrete McLeod—An act to amend Sections 21571, 21572, 21573, 21574.7, and 21581 of the Government Code, relating to the Public Employees' Retirement System.

Senate Bill 351: By Senator La Malfa—An act relating to workers' compensation.



Senate Bill 352: By Senator Huff—An act to amend Section 650.3 of the Business and Professions Code, relating to chiropractors.

Senate Bill 353: By Senator Blakeslee—An act to amend Section 11353 of, and to add Section 11346.35 to, the Government Code, relating to regulations.

Senate Bill 354: By Senator Blakeslee—An act to amend Section 21100 of the Public Resources Code, relating to environmental quality.

Senate Bill 355: By Senator Huff (Principal coauthor: Senator Emmerson)—An act to amend Sections 44662, 44955, and 44956 of, and to add Sections 44955.1 and 44955.2 to, the Education Code, relating to education employment.

Senate Bill 356: By Senator Blakeslee—An act to amend Section 4512 of the Public Resources Code, relating to forestry.

Senate Bill 357: By Senator Dutton—An act to add Section 11343.10 to the Government Code, and to add Sections 17053.91 and 23649.1 to the Revenue and Taxation Code, relating to taxation.

Senate Bill 358: By Senator Cannella—An act to add Sections 17158 and 24316 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 359: By Senator Hernandez—An act to add Article 5.7 (commencing with Section 14186) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 360: By Senator DeSaulnier—An act to amend Section 11165 of the Health and Safety Code, relating to controlled substances.

Senate Bill 361: By Senator Berryhill (Principal coauthor: Assembly Member Halderman)—An act to amend Section 42238.20 of the Education Code, relating to school funding.

Senate Bill 362: By Senator Berryhill—An act to amend Section 4660 of the Labor Code, relating to workers' compensation.

Senate Bill 363: By Senator Emmerson—An act to amend Sections 4980.36 and 4980.42 of the Business and Professions Code, relating to marriage and family therapists.

Senate Bill 364: By Senator Yee—An act to add Sections 17060 and 23603 to the Revenue and Taxation Code, relating to taxation.

Senate Bill 365: By Senator Lowenthal—An act to amend Sections 23001 and 23035 of, and to add Section 23024.5 to, the Financial Code, relating to deferred deposit transactions.



Senate Bill 366: By Senators Calderon and Pavley—An act to add and repeal Article 5.5 (commencing with Section 65958) of Chapter 4.5 of Division 1 of Title 1 of, and to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

Senate Bill 367: By Senator Dutton—An act to amend Section 510 of, and to add Section 511.5 to, the Labor Code, relating to employment.

Senate Bill 368: By Senator Liu—An act to add Section 1529.3 to the Health and Safety Code, relating to foster care.

Senate Bill 369: By Senator Evans—An act to amend Sections 8276.2, 8276.3, 8279.1, 8280.1, 8280.2, 8280.3, 8280.4, 8280.5, and 8280.6 of the Fish and Game Code, relating to commercial fishing.

Senate Bill 370: By Senator Blakeslee (Principal coauthor: Senator Evans) (Coauthors: Senators Berryhill, Gaines, and Strickland)—An act to amend Section 2827 of the Public Utilities Code, relating to energy.

Senate Bill 371: By Senator Blakeslee—An act to amend Section 218 of the Public Utilities Code, relating to electrical corporations.

Senate Bill 372: By Senator Blakeslee—An act to add Section 25235 to the Public Resources Code, relating to electricity.

Senate Bill 373: By Senator DeSaulnier—An act to amend Section 31484.9 of the Government Code, relating to county employee's retirement.

Senate Bill 374: By Senator Strickland—An act to amend Section 19854 of the Business and Professions Code, relating to gambling.

Senate Bill 375: By Senator Wright—An act to amend Sections 7541 and 7570 of the Family Code, relating to paternity.

Senate Bill 376: By Senator Fuller—An act to amend Section 10131 of the Business and Professions Code, relating to real estate brokers.

Senate Bill 377: By Senator Wright—An act to amend Sections 7572, 7575, and 7577 of, and to add Section 4015 to, the Family Code, relating to paternity.

Senate Bill 378: By Senator Dutton—An act to amend Section 511 of the Labor Code, relating to employment.

Senate Bill 379: By Senator Fuller—An act to amend Section 709 of the Public Utilities Code, relating to telecommunications.

Senate Bill 380: By Senator Wright—An act to add Section 2190.7 to the Business and Professions Code, relating to medicine.



Senate Bill 381: By Senator Pavley (Coauthors: Senators Hancock and Wolk) (Coauthors: Assembly Members Donnelly, Jeffries, Bonnie Lowenthal, and Olsen)—An act to amend Section 48204 of the Education Code, relating to school attendance.

Senate Bill 382: By Senator Liu (Principal coauthor: Senator Emmerson)—An act to amend Sections 4629 and 4648 of, and to add Sections 4639.1, 4639.2, 4639.3, and 4639.4 to, the Welfare and Institutions Code, relating to developmental services.

Senate Bill 383: By Senator Wolk—An act to amend Section 2826.5 of the Public Utilities Code, relating to private energy producers.

Senate Bill 384: By Senator Evans—An act to amend Section 382 of the Code of Civil Procedure, relating to civil actions.

Senate Bill 385: By Senator Gaines—An act relating to tidelands and submerged lands.

Senate Bill 386: By Senator Harman—An act to amend Section 5003.17 of the Public Resources Code, relating to state parks.

Senate Bill 387: By Senator La Malfa—An act to amend Section 800 of the Penal Code, relating to statute of limitations.

Senate Bill 388: By Senator Gaines—An act to amend Section 2945 of the Civil Code, relating to mortgages.

Senate Bill 389: By Senator Dutton—An act to amend Section 512 of the Labor Code, relating to employment.

Senate Bill 390: By Senator La Malfa—An act to amend Sections 241 and 243 of the Penal Code, relating to crimes.

Senate Bill 391: By Senator Gaines—An act to amend Section 4000 of the Vehicle Code, relating to vehicles.

Senate Bill 392: By Senator Gaines—An act to amend Section 70 of the Streets and Highways Code, relating to transportation.

Senate Concurrent Resolution 11: By Senator Corbett (Coauthor: Assembly Member Garrick)—Relative to Irish American Heritage Month.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Resolution 6—Relative to National Engineers Week.

Resolution read second time, ordered engrossed, and to third reading.



LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Yee.

The following Senator was granted leave of absence for the day due to personal business: Senator Wyland.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, February 16, 2011.

PAULA K. ROSSETTO, Minute Clerk

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