

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 17, 2011

The Senate met at 9 a.m.
Hon. S. Joseph Simitian, of the 11th 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, Wolk, and Wright—35.

Quorum present.

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

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, February 16, 2011

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

Appropriations—SB 206, SB 207.

Business, Professions and Economic Development—SB 147.

Education—SB 181, SB 204.

Elections and Constitutional Amendments—SB 183, SB 199, SB 202, SB 205.



Energy, Utilities and Communications—SB 216.

Environmental Quality—SB 170, SB 178, SB 225, SB 226, SB 237.

Governance and Finance—SB 171, SB 186, SB 191, SB 192, SB 193, SB 194, SB 214, SB 234, SB 235.

Governmental Organization—SB 175.

Health—SB 173, SB 177, SB 222, SB 233.

Insurance—SB 169, SB 220.

Judiciary—SB 182, SB 190, SB 221, SB 242.

Natural Resources and Water—SB 215, SB 224.

Public Employment and Retirement—SB 203.

Public Safety—SB 179, SB 208, SB 210.

Rules—SB 165, SB 166, SB 167, SB 172, SB 174, SB 176, SB 184, SB 185, SB 187, SB 188, SB 189, SB 195, SB 196, SB 197, SB 198, SB 213, SB 218, SB 219, SB 227, SB 228, SB 229, SB 230, SB 231, SB 232, SB 236, SB 239, SB 240.

Transportation and Housing—SB 209.

The Committee on Rules has referred the following measures to two committees:

Banking and Financial Institutions and **Judiciary**—SB 201, SB 212, SB 217.

Business, Professions and Economic Development and **Public Safety**—SB 238.

Elections and **Constitutional Amendments** and **Public Safety**—SB 168.

Environmental Quality and **Judiciary**—SB 241.

Natural Resources and Water and **Environmental Quality**—SB 200.

Transportation and Housing and **Environmental Quality**—SB 211.

Transportation and Housing and **Governance and Finance**—SB 223.

Veterans Affairs and **Judiciary**—SB 180.



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 466: By Senator Wyland—An act to add Article 7.25 (commencing with Section 9147.5) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the Legislature.

Senate Bill 467: By Senator Pavley—An act to add Section 15814.37 to the Government Code, relating to state buildings.

Senate Bill 468: By Senator Kehoe—An act to add Section 103 to the Streets and Highways Code, relating to transportation.

Senate Bill 469: By Senator Vargas—An act to add Section 65964.5 to the Government Code, relating to land use.

Senate Bill 470: By Senator Evans—An act to amend Section 7861.1 of the Fish and Game Code, relating to commercial fishing.

Senate Bill 471: By Senator Rubio—An act to add Section 18927 to the Welfare and Institutions Code, relating to public social services.

Senate Bill 472: By Senator Correa—An act to add Section 95016.5 to the Government Code, relating to children's services.

Senate Bill 473: By Senator Price—An act relating to pupil dropout.

Senate Bill 474: By Senator Evans—An act relating to construction insurance.

Senate Bill 475: By Senators Wright and Emmerson—An act to amend Sections 5956, 5956.1, 5956.2, 5956.3, 5956.4, 5956.5, 5956.6, 5956.7, 5956.8, 5956.9, and 5956.10 of, and to add Sections 5956.11, 5956.12, and 5956.13 to, the Government Code, relating to infrastructure financing.

Senate Bill 476: By Senator Lowenthal—An act to amend Section 42605 of the Education Code, relating to education finance.

Senate Bill 477: By Senator Wright—An act to amend Section 48260.5 of the Education Code, relating to pupils.

Senate Bill 478: By Senator Pavley—An act relating to food safety.

Senate Bill 479: By Senator Huff (Coauthors: Assembly Members Garrick and Grove)—An act to add Section 42102 to the Education Code, relating to school districts.



Senate Bill 480: By Senator Vargas—An act to amend Sections 10544, 11450.12, and 11495.15 of, and to add Section 11495.45 to, the Welfare and Institutions Code, relating to public social services.

Senate Bill 481: By Senator Wright—An act to amend Section 392.1 of the Public Utilities Code, relating to electricity.

Senate Bill 482: By Senator Kehoe—An act to amend Sections 115875, 115880, 115885, 115890, 115895, and 115915 of, to add Section 115917 to, and to repeal Sections 115900 and 115905 of, the Health and Safety Code, relating to public health.

Senate Bill 483: By Senator Calderon—An act to amend Section 66057 of the Education Code, relating to postsecondary education.

Senate Bill 484: By Senator Rubio—An act to amend Section 6254.14 of the Government Code, relating to public records.

Senate Bill 485: By Senator Hernandez—An act relating to Medi-Cal.

Senate Bill 486: By Senator Dutton—An act to amend and repeal Section 130105 of, to repeal Sections 130110, 130115, 130120, 130125, 130130, 130135, 130140, 130140.1, 130145, 130150, 130151, and 130155 of, and to repeal and add Section 130100 of, the Health and Safety Code, and to amend Section 31031.4 of the Revenue and Taxation Code, relating to state government and public health, and declaring the urgency thereof, to take effect immediately.

Senate Bill 487: By Senator Negrete McLeod—An act to amend Section 23104.2 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 488: By Senator Correa—An act to add Section 84305.7 to the Government Code, relating to the Political Reform Act of 1974.

Senate Bill 489: By Senator Wolk—An act to amend Section 2827 of, and to repeal Section 2827.9 of, the Public Utilities Code, relating to electricity.

Senate Bill 490: By Senator Hancock—An act to amend Sections 830.2, 830.5, 830.11, 6125, 6126, 6126.2, 6126.3, 6126.4, 6126.5, 6126.6, 6127.3, 6127.4, 6128, 6131, 6132, and 6133 of, to add Sections 6127.5 and 6127.6 to, and to repeal Sections 6126.1, 6127.1, and 6129 of, the Penal Code, relating to corrections.

Senate Bill 491: By Senator Evans—An act to amend Section 800.41 of the Civil Code, relating to real property.

Senate Bill 492: By Senator Correa—An act to amend Sections 6600, 6601, and 6608 of the Welfare and Institutions Code, relating to mental health.



Senate Bill 493: By Senator Padilla (Coauthor: Assembly Member Fuentes)—An act to amend Section 10389.1 of the Public Contract Code, relating to state property, and declaring the urgency thereof, to take effect immediately.

Senate Bill 494: By Senator Fuller—An act relating to water quality.

Senate Bill 495: By Senator Fuller—An act to amend Sections 1514, 1540, and 1565 of, and to add Section 1576.5 to, the Code of Civil Procedure, relating to unclaimed property, and making an appropriation therefor.

Senate Bill 496: By Senator Fuller—An act to amend Section 12935 of the Water Code, relating to water resources.

Senate Bill 497: By Senator Rubio—An act to add Article 7 (commencing with Section 10390) to Chapter 2 of Part 2 of Division 2 of the Public Contract Code, relating to public contracts.

Senate Bill 498: By Senator Liu—An act to amend Sections 27, 101, and 149 of the Business and Professions Code, and to amend Sections 94800.5, 94806, 94807, 94820, 94875, 94876, 94877, 94878, 94909, 94910, 94911, 94936, 94937, and 95000 of, to repeal Section 94884 of, and to repeal and add Section 94803 of, the Education Code, relating to private postsecondary education.

Senate Bill 499: By Senator Huff—An act to add Section 33690.6 to the Health and Safety Code, relating to redevelopment.

Senate Bill 500: By Senator Hancock—An act relating to partnership academies.

Senate Bill 501: By Senator Harman (Coauthor: Assembly Member Wagner)—An act to amend Section 1 of Chapter 74 of the Statutes of 1978, as amended by Chapter 317 of the Statutes of 1997, relating to tidelands and submerged lands.

Senate Bill 502: By Senators Pavley and De León—An act to add Section 123366 to the Health and Safety Code, relating to public health.

Senate Bill 503: By Senator Vargas—An act to amend Section 75506.5 of the Government Code, relating to judges' retirement.

Senate Bill 504: By Senator Hernandez—An act to amend Section 15150 of the Education Code, and to amend Sections 53508.7 and 53508.9 of the Government Code, relating to bonds.

Senate Bill 505: By Senator La Malfa—An act relating to fish.

Senate Bill 506: By Senator Simitian (Principal coauthor: Assembly Member Campos)—An act to amend Section 17275 of, and to repeal and add Sections 17280.1 and 17280.2 of, the Government Code, relating to state finance.



Senate Bill 507: By Senator DeSaulnier—An act to amend Sections 480 and 482 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 508: By Senator Wolk—An act to add Section 40 to the Revenue and Taxation Code, relating to taxation.

Senate Bill 509: By Senator Price—An act to amend Sections 42605 and 60119 of the Education Code, relating to instructional materials.

Senate Bill 510: By Senator Correa—An act to add Section 10164 to, and to amend Section 10165 of, the Business and Professions Code, relating to real estate licensees.

Senate Bill 511: By Senator Price—An act relating to low-performing schools.

Senate Bill 512: By Senator Price—An act to amend Section 52052 of the Education Code, relating to school accountability.

Senate Bill 513: By Senator Cannella—An act to amend Sections 47021 and 47026 of, and to add and repeal Section 19227 of, the Food and Agricultural Code, relating to fees, and making an appropriation therefor.

Senate Bill 514: By Senator Simitian—An act to add Section 11110 to the Health and Safety Code, relating to nonprescription drugs.

Senate Bill 515: By Senator Corbett—An act to add Article 3 (commencing with Section 42450.1) to Chapter 8 of Part 3 of, and Article 5 (commencing with Section 44220) to Chapter 3 of Part 4 of, Division 30 of the Public Resources Code, relating to recycling.

Senate Bill 516: By Senator Correa—An act to amend Sections 6011 and 6012 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 517: By Senator Lowenthal (Coauthor: Senator DeSaulnier)—An act to amend Section 13975 of, and to add Section 13976.1 to, the Government Code, and to amend Sections 185020 and 185024 of the Public Utilities Code, relating to high-speed rail.

Senate Bill 518: By Senator Simitian—An act to amend Sections 14501 and 14551 of, and to repeal Section 14523.5 of, the Public Resources Code, relating to recycling.

Senate Bill 519: By Senator La Malfa—An act relating to passenger vehicle emissions.

Senate Bill 520: By Senator Walters—An act relating to public employees' retirement.

Senate Bill 521: By Senator Walters—An act to amend Section 22000 of the Government Code, relating to public employees' retirement.



Senate Bill 522: By Senator Walters—An act to repeal Section 20909 of the Government Code, relating to public employees' retirement.

Senate Bill 523: By Senator Walters—An act to add Sections 22119.7 and 22605 to the Education Code, and to amend Sections 20322, 31553, and 31641 of, and to add Sections 7514.52, 20307, 20890.3, 31553.6, 31641.6, 45310.1, and 50808 to, the Government Code, relating to public employees' retirement.

Senate Bill 524: By Senator Walters—An act to add Section 21220.2 to the Government Code, relating to public employees' retirement.

Senate Bill 525: By Senator Walters—An act to amend Section 21190 of the Government Code, relating to public employees' retirement.

Senate Bill 526: By Senator Walters—An act relating to public employees' retirement.

Senate Bill 527: By Senator Walters—An act to amend Section 20537 of the Government Code, relating to public employee retirement.

Senate Bill 528: By Senator Walters—An act to amend Section 22960.60 of, and to repeal Section 22960.61 of, the Government Code, relating to public employees' retirement.

Senate Bill 529: By Senator Correa—An act to add Section 9113.5 to the Welfare and Institutions Code, relating to seniors.

Senate Bill 530: By Senator Wright—An act to add Part 14.5 (commencing with Section 33001) to Division 2 of the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Senate Bill 531: By Senator Rubio—An act to amend Section 1524.1 of the Penal Code, relating to search warrants.

Senate Bill 532: By Senator Hernandez—An act to amend Section 52240 of the Education Code, relating to pupil instruction.

Senate Bill 533: By Senators Wright and Correa (Coauthor: Assembly Member Bill Berryhill)—An act to amend Section 38505 of, and to add Section 38566 to, the Health and Safety Code, relating to air pollution.

Senate Bill 534: By Senator Corbett—An act to amend Section 13823.95 of the Penal Code, relating to victims of sexual assault.

Senate Bill 535: By Senator De León—An act relating to climate change.

Senate Bill 536: By Senator DeSaulnier (Coauthor: Assembly Member Buchanan)—An act to amend Section 100 of, and to add Section 100.96 to, the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.



Senate Bill 537: By Senator Correa—An act relating to the military.

Senate Bill 538: By Senator Price—An act to relating to healing arts.

Senate Bill 539: By Senator Price—An act to amend Sections 2701, 2708, 2841, 4501, and 4503 of, and to repeal and amend Section 2847 of, the Business and Professions Code, relating to nursing.

Senate Bill 540: By Senator Price—An act to repeal and amend Sections 1601.1 and 1616.5 of the Business and Professions Code, relating to dentistry.

Senate Bill 541: By Senator Price—An act to amend Sections 7000.5 and 7011 of the Business and Professions Code, relating to contractors.

Senate Bill 542: By Senator Price—An act to amend Sections 5000, 5015.6, and 6510 of the Business and Professions Code, relating to professions and vocations.

Senate Bill 543: By Senator Price—An act to amend Sections 5510, 5517, 5620, 5621, 5622, 6710, 6714, 7200, 8710, 18602, and 18613 of the Business and Professions Code, relating to business and professions.

Senate Bill 544: By Senator Price—An act to amend Section 650 of the Business and Professions Code, relating to healing arts.

Senate Bill 545: By Senator Anderson—An act relating to transportation.

Senate Bill 546: By Senator Correa—An act relating to military and veterans.

Senate Bill 547: By Senator Steinberg—An act to amend Section 52052.5 of the Education Code, relating to school accountability.

Senate Bill 548: By Senator Strickland—An act to amend Section 17048 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 549: By Senator Rubio—An act to amend Sections 27551 and 27552 of the Food and Agricultural Code, relating to eggs, and making an appropriation therefor.

Senate Bill 550: By Senator Padilla (Coauthor: Senator Price) (Coauthors: Assembly Members Blumenfield, Butler, Gatto, and Hagman)—An act to amend Sections 21800, 21804, 21805, and 21806 of, to add Section 21807 to, and to repeal and add Sections 21801, 21802, and 21803 of, the Business and Professions Code, relating to business.

Senate Bill 551: By Senator DeSaulnier—An act relating to state property.

Senate Bill 552: By Senator Huff—An act to amend Section 53324 of the Government Code, relating to local government.



Senate Bill 553: By Senator Fuller—An act to amend Section 11343.4 of the Government Code, relating to regulations.

Senate Bill 554: By Senator Yee—An act to amend Section 1279 of, and to add Section 1280.7 to, the Health and Safety Code, relating to health facilities.

Senate Bill 555: By Senator Hancock—An act to add Article 7 (commencing with Section 10390) to Chapter 2 of Part 2 of Division 2 of the Public Contract Code, relating to public contracts.

Senate Bill 556: By Senator Gaines—An act to amend Sections 18152 and 18152.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 557: By Senator Kehoe (Coauthors: Assembly Members Atkins and Fletcher)—An act to add Title 5.3 (commencing with Section 13750) to Part 4 of the Penal Code, relating to family justice centers.

Senate Bill 558: By Senator Simitian—An act to amend Section 15657 of the Welfare and Institutions Code, relating to public social services.

Senate Bill 559: By Senator Padilla—An act to amend Section 51 of the Civil Code, to amend Section 32228 of the Education Code, to amend Section 354.5 of the Elections Code, to amend Sections 11135, 12920, 12921, 12926, 12926.1, 12930, 12931, 12935, 12940, 12944, 12955, 12955.8, 12956.1, 12956.2, and 12993 of the Government Code, to amend Section 868.8 of the Penal Code, and to amend Section 4900 of the Welfare and Institutions Code, relating to civil rights.

Senate Bill 560: By Senator Wright—An act to amend Sections 11346, 11346.2, 11346.3, 11346.45, 11346.5, 11349.1, 11350, 11350.3, and 11357 of, and to add Section 11346.6 to, the Government Code, relating to regulations.

Senate Bill 561: By Senator Corbett—An act to amend Sections 1367.1 and 1367.4 of the Civil Code, relating to common interest developments.

Senate Bill 562: By the Committee on Transportation and Housing (Senators DeSaulnier (Chair), Gaines, Harman, Huff, Kehoe, Lowenthal, Pavley, Rubio, and Simitian)—An act to amend Sections 18070.2, 18218, 18218.5, 18551, 18866.2, and 33420.1 of, and to repeal Section 33334.29 of, the Health and Safety Code, relating to housing.

Senate Bill 563: By the Committee on Transportation and Housing (Senators DeSaulnier (Chair), Gaines, Harman, Huff, Kehoe, Lowenthal, Pavley, Rubio, and Simitian)—An act to amend Sections 1363 and 1363.05 of the Civil Code, relating to common interest developments.



Senate Bill 564: By Senator Evans—An act to amend Section 399.4 of the Public Utilities Code, relating to energy efficiency.

Senate Bill 565: By Senator DeSaulnier—An act to amend and repeal Section 42007 of the Vehicle Code, relating to vehicles.

Senate Bill 566: By Senator Price—An act to amend Section 25503.24 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 567: By Senator DeSaulnier—An act to repeal Chapter 5.8 (commencing with Section 42359) of, and to repeal and add Chapter 5.7 (commencing with Section 42355) of, Part 3 of Division 30 of the Public Resources Code, relating to recycling.

Senate Bill 568: By Senator Lowenthal (Coauthor: Assembly Member Wieckowski)—An act to add Chapter 6.6 (commencing with Section 42391) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

Senate Bill 569: By Senator Kehoe—An act to amend Section 44270.3 of, and to add Section 44272.2 to, the Health and Safety Code, relating to energy.

Senate Bill 570: By Senator Rubio—An act to amend Section 44099 of the Health and Safety Code, relating to air pollution.

Senate Bill 571: By Senator Wolk (Coauthor: Assembly Member Huber)—An act to amend Section 10546 of, and to add Sections 167 and 168 to, the Water Code, relating to the California Water Commission.

Senate Bill 572: By Senator Berryhill—An act to amend Section 785.2 of the Public Utilities Code, relating to energy.

Senate Bill 573: By Senator Hernandez—An act to amend Section 832.7 of the Penal Code, relating to peace officers.

Senate Bill 574: By Senator Vargas—An act to amend Section 1270 of the Education Code, relating to pupils.

Senate Bill 575: By Senator DeSaulnier (Principal coauthor: Assembly Member Hill)—An act to amend Section 6404.5 of the Labor Code, relating to employment.

Senate Bill 576: By Senator Calderon—An act to amend Sections 186.22, 186.33, 1170, 1170.1, and 1170.3 of, and to amend, add, and repeal Sections 12021.5, 12022.2, and 12022.4 of, the Penal Code, relating to sentencing.

Senate Bill 577: By Senator Gaines—An act to add Section 115843.6 to the Health and Safety Code, relating to drinking water.



Senate Bill 578: By Senator Negrete McLeod—An act to add Section 51225.2 to the Education Code, relating to schools.

Senate Bill 579: By Senator Berryhill—An act to amend Section 910 of the Government Code, relating to government tort claims.

Senate Bill 580: By Senators Wolk and Kehoe (Coauthor: Assembly Member Chesbro)—An act to add Section 5013.2 to the Public Resources Code, relating to state parks.

Senate Bill 581: By Senator Liu—An act to add Article 1.5 (commencing with Section 49310) to Chapter 8 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupil safety.

Senate Bill 582: By Senator Emmerson (Principal coauthor: Assembly Member Huffman)—An act to add Section 65081 to the Government Code, relating to transportation.

Senate Bill 583: By Senator Vargas (Principal coauthor: Senator Steinberg) (Coauthor: Senator Emmerson) (Coauthors: Assembly Members Cook and Silva)—An act to repeal, add, and repeal Article 17 (commencing with Section 18881) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 584: By Senator Evans—An act to amend Section 8670.40 of the Government Code, relating to oil spills.

Senate Bill 585: By Senator Kehoe—An act to amend Section 2851 of the Public Utilities Code, relating to solar energy, and declaring the urgency thereof, to take effect immediately.

Senate Bill 586: By Senator Pavley—An act to add Sections 953.5 and 14409.5 to the Financial Code, and to amend Section 368 of the Penal Code, relating to banks and credit unions.

Senate Bill 587: By Senator Walters—An act relating to government liability.

Senate Bill 588: By Senator Evans—An act to amend Section 30823 of, and to add Section 30821 to, the Public Resources Code, relating to coastal resources.

Senate Bill 589: By Senator Lowenthal (Coauthor: Assembly Member Allen)—An act to amend Section 42885.5 of the Public Resources Code, relating to solid waste.

Senate Bill 590: By Senator Calderon—An act to amend Sections 789.10 and 10127.7 of the Insurance Code, relating to life insurance.



Senate Bill 591: By Senator Gaines—An act to amend Section 8544.5 of, and to add and repeal Article 9.5 (commencing with Section 11362) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of, the Government Code, relating to administrative regulations.

Senate Bill 592: By Senator Harman—An act to amend Section 57405 of the Food and Agricultural Code, relating to dairy cattle supply liens.

Senate Bill 593: By Senator Gaines—An act to add Section 87100.5 to the Government Code, relating to the Tahoe Regional Planning Agency.

Senate Bill 594: By Senator Wolk—An act to amend Sections 101150 and 101160 of, and to add Sections 101161 and 101162 to, the Health and Safety Code, relating to public health.

Senate Bill 595: By Senator Wolk—An act to amend Section 6302.1 of, and to add Sections 6302.2, 6302.3, 6302.4, and 6302.5 to, the Public Resources Code, relating to tidelands and submerged lands.

Senate Bill 596: By Senator Price—An act to amend Sections 790.034, 10089.2, 10103.5, and 11580.15 of the Insurance Code, relating to insurance.

Senate Bill 597: By Senator Fuller—An act to amend Section 2701 of the Public Utilities Code, relating to water companies.

Senate Bill 598: By Senator Fuller—An act to amend Section 2896 of the Public Utilities Code, relating to telecommunications.

Senate Bill 599: By Senator Kehoe—An act to amend Section 10170 of the Insurance Code, relating to life insurance.

Senate Bill 600: By Senator Rubio—An act to amend Section 20111.5 of the Public Contract Code, relating to public contracts.

Senate Bill 601: By Senator Hancock—An act relating to corrections.

Senate Bill 602: By Senator Yee—An act to amend Section 1798.91 of the Civil Code, relating to consumer privacy.

Senate Bill 603: By Senator Berryhill—An act to amend Sections 128.7, 391, and 391.7 of the Code of Civil Procedure, relating to frivolous litigation.

Senate Bill 604: By Senator Berryhill—An act to amend Section 1203 of the Penal Code, relating to probation.

Senate Bill 605: By Senator Berryhill—An act to amend Section 36000 of the Vehicle Code, relating to vehicles.



Senate Bill 606: By Senator Vargas—An act to amend Section 20909 of the Government Code, relating to public employees' retirement.

Senate Bill 607: By Senator Walters (Coauthor: Assembly Member Harkey)—An act to add and repeal Section 189 of the Water Code, relating to water.

Senate Bill 608: By Senator DeSaulnier—An act to amend Section 2807 of the Penal Code, relating to the Prison Industry Authority.

Senate Bill 609: By Senator Negrete McLeod—An act to add Section 3541.35 to the Government Code, relating to public employment.

Senate Bill 610: By Senators Wright and Correa (Coauthor: Assembly Member Galgiani)—An act to amend Sections 26165, 26190, and 26205 of, and to add Section 26202 to, the Penal Code, relating to firearms.

Senate Bill 611: By Senator Steinberg—An act to add Section 66205.6 to the Education Code, relating to instructional strategies.

Senate Bill 612: By Senator Steinberg—An act to amend Sections 99200, 99200.5, 99201, 99202, and 99203 of, and to repeal Section 99206 of, the Education Code, relating to instructional strategies.

Senate Constitutional Amendment 8: By Senator Wyland—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 29 to Article IV thereof, relating to the Legislature.

Senate Constitutional Amendment 9: By Senator Hancock—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 10 of Article II thereof, relating to initiatives.

Senate Resolution 9: By Senator DeSaulnier—Relative to California Teen Safe Driving Week.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill 66—An act to amend Section 26802.5 of the Government Code, relating to local government officials, and declaring the urgency thereof, to take effect immediately.

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

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SCR 4** was withdrawn from Committee and placed on third reading.



SENATE COMMITTEE ROLL CALLS
Committee on Governance and Finance

SB 66—Do pass

AYES (9)—Senators DeSaulnier, Fuller, Hancock, Hernandez, Huff, Kehoe, La Malfa, Liu, and Wolk.

NOES (0)—None.

Date of Hearing: 2/16/2011

Wolk (Chair)

LETTERS OF TRANSMITTAL

The following transmittals were ordered printed in the Journal:

An annual report dated: January 10, 2011, relative to the Safe at Home, was received from the Office of the Secretary of State and transmitted to the Committee on Judiciary.

A supplemental report dated: January 10, 2011, relative to the 2010/11 Budget Package, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 7, 2011, relative to the Board of Registered Nursing 2010 Sunset Review, was received from the Department of Consumer Affairs and transmitted to the Committee on Business, Professions and Economic Development.

An agency report dated: January 7, 2011, relative to the Paperless Workflow Project Update, was received from the Department of Insurance and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 2, 2010, relative to the 21st Century Community Learning Centers Program, FY 2008/09, was received from the Department of Education and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: December 31, 2010, relative to the Uniform Commercial Code, Business Programs Division, was received from the Office of the Secretary of State and transmitted to the Committee on Judiciary.

A supplemental report dated: January 10, 2011, relative to the 2011 Performance Measures, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: January 10, 2011, relative to the Design Sequencing, was received from the Department of Transportation and transmitted to the Committee on Transportation and Housing.

An agency report dated: January 10, 2011, relative to the 2011 Ten Year State Highway Operation and Protection Plan, was received from the Department of Transportation and transmitted to the Committee on Transportation and Housing.



An annual report dated: January 5, 2011, relative to the DNA Fund 2010, was received from the County of Yuba and transmitted to the Committee on Public Safety.

An agency report dated: January 5, 2011, relative to the Counties Property Tax Assessments, was received from the Board of Equalization and transmitted to the Committee on Governmental Organization.

An annual report dated: January 10, 2011, relative to the Master Plan 2010, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: December 1, 2010, relative to the Taxpayers' Bill of Rights, was received from the Franchise Tax Board and transmitted to the Committee on Governance and Finance.

An audit report dated: January 18, 2011, relative to the Investigations of Improper Activities by State Employees, was received from the California State Auditor and transmitted to the Committee on Rules.

A biennial report dated: January 7, 2011, relative to the Marine Invasive Species Program, was received from the State Lands Commission and transmitted to the Committee on Natural Resources and Water.

An agency report dated: January 12, 2011, relative to the Denied Mandates, was received from the Commission on State Mandates and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: December 30, 2010, relative to the Status of Compliance with Consent Judgment with US Department of Justice First Quarter 2009/10, was received from the Department of Mental Health and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: December 30, 2010, relative to the Status of Compliance with Consent Judgment with US Department of Justice Second Quarter 2009/10, was received from the Department of Mental Health and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: December 30, 2010, relative to the Status of Compliance with Consent Judgment with US Department of Justice Third Quarter 2009/10, was received from the Department of Mental Health and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: December 30, 2010, relative to the Status of Compliance with Consent Judgment with US Department of Justice Fourth Quarter 2010, was received from the Department of Mental Health and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: December 30, 2010, relative to the Status of Compliance with Consent Judgment with US Department of Justice First Quarter 2010/11, was received from the Department of Mental Health and transmitted to the Committee on Budget and Fiscal Review.



A quarterly report dated: December 30, 2010, relative to the Status of Compliance with Consent Judgment with US Department of Justice Second Quarter 2010/11, was received from the Department of Mental Health and transmitted to the Committee on Budget and Fiscal Review.

A supplemental report dated: January 12, 2011, relative to the Annual Performance Measures, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 30, 2010, relative to the Statewide Collection of Court Ordered Debt, was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

An agency report dated: January 6, 2011, relative to the County Reporting on Local Courthouse Construction Funds, was received from the Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 5, 2011, relative to the Smart Grid Plans and Recommendations, was received from the Commission on Public Utilities and transmitted to the Committee on Energy, Utilities and Communications.

An agency report dated: January 11, 2011, relative to the Closure of Lanterman Developmental Center, was received from the Department of Developmental Services and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 31, 2011, relative to the Five Year Maintenance Plan, was received from the Department of Transportation and transmitted to the Committee on Transportation and Housing.

An audit report dated: January 20, 2011, relative to the Sacramento and Marin Superior Courts, was received from the California State Auditor and transmitted to the Committee on Rules.

An agency report dated: January 18, 2011, relative to the Implementation of Underground Storage Tank Cleanup Fund Performance Audit Corrective Action, was received from the Department of Water Resources and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 11, 2011, relative to the Costs of Verifying Citizenship for Drivers Licenses FY 2009/2010, was received from the Department of Motor Vehicles and transmitted to the Committee on Transportation and Housing.

An annual report dated: January 13, 2011, relative to the DNA Fund 2010, was received from the County of Los Angeles and transmitted to the Committee on Public Safety.



An annual report dated: January 18, 2011, relative to the Replacement of Underground Storage Tanks Program, was received from the Department of Water Resources and transmitted to the Committee on Natural Resources and Water.

An annual report dated: January 18, 2011, relative to the Nonpoint Source Pollution Control Related Reports, was received from the Department of Water Resources and transmitted to the Committee on Natural Resources and Water.

An annual report dated: December 30, 2010, relative to the Management of State School Lands FY 2009/10, was received from the State Lands Commission and transmitted to the Committee on Governmental Organization.

An annual report dated: January 19, 2011, relative to the Progress Report, was received from the Metropolitan Water District of Southern California and transmitted to the Committee on Natural Resources and Water.

An agency report dated: December 27, 2010, relative to the Adult Education Program Limited Scope Review FY 2009/10, was received from the Department of Education and transmitted to the Committee on Budget and Fiscal Review.

An audit report dated: January 27, 2011, relative to the Interim Reporting: FY 2009/10 Single Audit, was received from the California State Auditor and transmitted to the Committee on Rules.

An agency report dated: February 1, 2011, relative to the Report to the Legislature FY 2009/2010, was received from the Prison Industry Authority and transmitted to the Committee on Governmental Organization.

A supplemental report dated: January 26, 2011, relative to the 2009/10 Budget Package, was received from the Commission on Public Utilities and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 27, 2011, relative to the 2009 Ethics Committee, was received from the Department of Industrial Relations and transmitted to the Committee on Labor and Industrial Relations.

An annual report dated: January 27, 2011, relative to the Division of Worker's Compensation 2010 Audit, was received from the Department of Industrial Relations and transmitted to the Committee on Labor and Industrial Relations.

An agency report dated: January 20, 2011, relative to the Capitol Area Plan Progress Report, was received from the Department of General Services and transmitted to the Committee on Governmental Organization.



An agency report dated: January 28, 2011, relative to the Volunteer Labor on Public Works Projects, was received from the Department of Industrial Relations and transmitted to the Committee on Labor and Industrial Relations.

A supplemental report dated: January 19, 2011, relative to the Rector Creek Dam and Reservoir and Yountville Veterans Home, was received from the Department of Veterans Affairs and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: January 27, 2011, relative to the 2009/2010 Annual Report, was received from the Office of First 5 California and transmitted to the Committee on Governance and Finance.

A quarterly report dated: January 21, 2011, relative to the Fourth Quarter 2010 Non Toll Seismic Retrofit Program, was received from the Department of Transportation and transmitted to the Committee on Transportation and Housing.

An agency report dated: January 26, 2011, relative to the Mental Health Services Act Expenditure Report FY 2010/11, was received from the Department of Mental Health and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 24, 2011, relative to the Transmittal on the Renewables Portfolio Standard, was received from the Commission on Public Utilities and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: January 24, 2011, relative to the DNA Fund 2010, was received from the County of Kings and transmitted to the Committee on Public Safety.

A quarterly report dated: January 3, 2011, relative to the Efforts to Transfer Foreign Born Inmates to their Countries of Origin, Fourth Quarter, was received from the Board of Board of Parole Hearings and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: January 25, 2011, relative to the Funds Allocated for National Priority List, was received from the Department of Toxic Substances Control and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: February 25, 2011, relative to the State Orphan Sites in the 2008/09 Budget Years, was received from the Department of Toxic Substances Control and transmitted to the Committee on Budget and Fiscal Review.

A biennial report dated: January 11, 2011, relative to the 2010 Air Quality Improvement Program, was received from the Air Resources Board and transmitted to the Committee on Environmental Quality.



An audit report dated: February 8, 2011, relative to the Administrative Office of the Courts, was received from the California State Auditor and transmitted to the Committee on Rules.

An agency report dated: January 28, 2011, relative to the Progress Made on Securing Supplemental Sources of Water to Augment Existing Supplies During Dry Years, was received from the San Francisco Public Utilities Commission and transmitted to the Committee on Natural Resources and Water.

An agency report dated: January 11, 2011, relative to the Costs of Verifying Citizenship for Drivers Licenses, was received from the Department of Motor Vehicles and transmitted to the Committee on Transportation and Housing.

An agency report dated: January 11, 2011, relative to the Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Designation 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: December 22, 2010, relative to the Funding Recipients, was received from the Department of Veterans Affairs and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 27, 2010, relative to the Non-Toxic Dry Cleaning Incentive Program, was received from the Air Resources Board and transmitted to the Committee on Environmental Quality.

An annual report dated: January 18, 2011, relative to the Trusts and Entities Created by the CPUC, was received from the Commission on Public Utilities and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 3, 2011, relative to the Evaluation of Education Doctorate Program Implementation at the CSU, was received from the Office of the Legislative Analyst and transmitted to the Committee on Education.

An annual report dated: January 20, 2011, relative to the Annual Fees FY 2009/10, was received from the Office of the State Water Resources Control Board and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 21, 2011, relative to the Continued Implementation of CSU Doctoral Programs, was received from the Office of the Legislative Analyst and transmitted to the Committee on Education.

A quarterly report dated: January 24, 2011, relative to the Real ID Act for the Quarter ending December 31, 2010, was received from the Department of Motor Vehicles and transmitted to the Committee on Budget and Fiscal Review.



A quarterly report dated: January 24, 2011, relative to the REAL ID Act for the Quarter Ending September 30, 2010, was received from the Department of Motor Vehicles and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: January 28, 2011, relative to the 2008/09 Year in Review, Risk Management and Mitigation, was received from the Department of Developmental Services and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 19, 2011, relative to the 2011 OAL Determination No. 1(S), was received from the Office of Administrative Law and transmitted to the Committee on Governmental Organization.

An agency report dated: January 20, 2011, relative to the 2011 OAL Determination No. 2(S), was received from the Office of Administrative Law and transmitted to the Committee on Governmental Organization.

An agency report dated: January 25, 2011, relative to the 2011 OAL Determination No. 3(S), was received from the Office of Administrative Law and transmitted to the Committee on Governmental Organization.

An agency report dated: January 28, 2011, relative to the 2011 OAL Determination No. 4(S), was received from the Office of Administrative Law and transmitted to the Committee on Governmental Organization.

A Title Summary Report 10/0024 dated: February 2, 2011, relative to the Electoral College Reform Act, was received from the Department of Justice and transmitted to the Committee on Rules.

An annual report dated: January 27, 2011, relative to the DNA Fund 2010, was received from the County of San Bernardino and transmitted to the Committee on Public Safety.

A quarterly report dated: January 31, 2011, relative to the Appropriations contained in AB 900 Quarter Ending December 31, 2010, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: February 3, 2011, relative to the Senate Bill 1561, was received from the Department of Regional Transit and transmitted to the Committee on Transportation and Housing.

An annual report dated: December 30, 2010, relative to the Sales and Use Tax Audit and Collections for FY 2009/10, was received from the Board of Equalization and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 27, 2011, relative to the Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for FY 2009/10, was received from the Judicial



Council of California and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: January 18, 2011, relative to the Backlogged Lifer Parole Hearings, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: February 9, 2011, relative to the Standardized Testing and Reporting Program, was received from the Department of Education and transmitted to the Committee on Education.

An annual report dated: February 4, 2011, relative to the Annual Staff Report on the Management of State Schools Lands FY 2009/10, was received from the State Lands Commission and transmitted to the Committee on Governmental Organization.

An annual report dated: February 4, 2011, relative to the 2010 Annual Report, was received from the Commission on Public Utilities and transmitted to the Committee on Energy, Utilities and Communications.

An agency report dated: January 27, 2011, relative to the Regulations Enacted by Board of Trustees in 2010, was received from the California State University and transmitted to the Committee on Education.

An annual report dated: January 28, 2011, relative to the Timely Resolution of Formal Proceedings, was received from the Commission on Public Utilities and transmitted to the Committee on Energy, Utilities and Communications.

An annual report dated: January 31, 2011, relative to the EMS Fund 2009/10, was received from the County of Ventura and transmitted to the Committee on Health.

An annual report dated: February 1, 2011, relative to the Division of Apprenticeship Standards, was received from the Department of Industrial Relations and transmitted to the Committee on Labor and Industrial Relations.

An agency report dated: February 8, 2011, relative to the Regulation of Wastes Generated by Oceangoing Vessels in California, was received from the Water Resources Control Board and transmitted to the Committee on Natural Resources and Water.

An annual report dated: February 11, 2011, relative to the External Fiscal Agent Account: Education and the Environment Initiative, was received from the Environmental Protection Agency and transmitted to the Committee on Natural Resources and Water.

An annual report dated: February 1, 2011, relative to the DNA Fund 2010, was received from the County of Amador and transmitted to the Committee on Public Safety.



An annual report dated: February 7, 2011, relative to the EMS Fund 2009/10, was received from the County of Mariposa and transmitted to the Committee on Health.

A Title Summary Report 10 0025 dated: February 9, 2011, relative to the Parental Notification, Child and Teen Safety, and Stop Predators Acts, was received from the Department of Justice and transmitted to the Committee on Rules.

An annual report dated: February 7, 2011, relative to the DNA Fund 2010, was received from the Lake and transmitted to the Committee on Public Safety.

An annual report dated: February 9, 2011, relative to the DNA Fund 2010, was received from the County of Colusa and transmitted to the Committee on Public Safety.

An annual report dated: February 7, 2011, relative to the DNA Fund 2010, was received from the County of Humboldt and transmitted to the Committee on Public Safety.

A final report dated: February 1, 2011, relative to the Reading Writing, and Mathematics Proficiency of All First Time Freshman, was received from the California State University and transmitted to the Committee on Education.

A quarterly report dated: February 7, 2011, relative to the Federal Deferral Letter, was received from the Department of Health Care Services and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: February 9, 2011, relative to the Uninsured Employers Benefits Trust Fund Job Classifications, was received from the Department of Industrial Relations and transmitted to the Committee on Labor and Industrial Relations.

An agency report dated: February 7, 2011, relative to the Expenditures for FY 2009/10, was received from the Department of Toxic Substances Control and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: February 9, 2011, relative to the Abstract of Proceedings and Report of the Veterans' Finance Committee of 1943 for FY 2009/10, was received from the Department of Veterans Affairs and transmitted to the Committee on Veterans Affairs.

A quarterly report dated: February 4, 2011, relative to the 2010 Fourth Quarter Project and Financial Update, was received from the Department of Transportation and transmitted to the Committee on Transportation and Housing.



An audit report dated: February 15, 2011, relative to the Indian Gaming Special Distribution Fund, was received from the California State Auditor and transmitted to the Committee on Rules.

An annual report dated: February 4, 2011, relative to the DNA Fund 2010, was received from the County of Placer and transmitted to the Committee on Public Safety.

An agency report dated: February 2, 2011, relative to the Mandatory Education and Reporting Requirements, was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

An agency report dated: February 1, 2011, relative to the Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant, was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

An annual report dated: February 11, 2011, relative to the Border Health Status Report 2009, was received from the Department of Public Health and transmitted to the Committee on Health.

A quarterly report dated: February 14, 2011, relative to the Litigation Deposit Fund, was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Walters and 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 9:30 a.m., Friday, February 18, 2011.

PAULA K. ROSSETTO, Minute Clerk

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