

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, March 7, 2011

The Senate met at 3 p.m.

Hon. Christine Kehoe, of the 39th 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, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, Wyland, and Yee—39.

Quorum present.

(NOTE: Senator Strickland will be excused this day on personal business.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

The great American intellectual and scientist, George Washington Carver, advised us that: "How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving and tolerant of the weak and strong. Because someday in your life you will have been all of these."

George Washington Carver reminds us that life is not a straight or easy path, we all go through stages of weakness and strength, vulnerability and power. And how we treat others in difficult times will influence how we are treated by others, and by ourselves, when we face our own challenges.

May the Holy One, the Creator of us all, open our hearts with compassion for our fellow travelers along life's path. May we view each other with kindness, treat each other with sensitivity, and always rise to our highest ideals. May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

March 3, 2011

To the Senate of the State of California:

I hereby respectfully withdraw from consideration effective close of business March 3, 2011, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Renee E. Zito

Program Administrator, Bureau for
Private Postsecondary and Vocational
Education, Department of Consumer
Affairs.

Sincerely,

EDMUND G. BROWN JR., Governor

Above transmitted to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 3, 2011

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

ACR 10

E. DOTSON WILSON, Chief Clerk of the Assembly



FIRST READING OF ASSEMBLY MEASURE

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

Assembly Concurrent Resolution 10—Relative to California Arbor Week.

REPORTS OF STANDING COMMITTEES**Committee on Governance and Finance**

Senate Chamber, March 7, 2011

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

SB 112

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 Bill 112—An act to amend Section 17558 of the Government Code, relating to state mandates.

Bill read second time.

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

Committee on Public Safety

Senate Chamber, March 7, 2011

Madam President: The Chair of the Committee on Public Safety, to which was referred:

SB 123

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

HANCOCK, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 123—An act to add Chapter 4 (commencing with Section 2110) to Division 2.5 of the Welfare and Institutions Code, relating to runaway and homeless youth.

Bill read second time.

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

Committee on Governance and Finance

Senate Chamber, March 7, 2011

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

SB 47



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 Bill 47—An act to add Section 6377 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

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

MEASURES GIVEN THEIR SECOND READING

Without objection, **AB 93, AB 94, AB 95, AB 96, AB 97, AB 98, AB 99, AB 100, AB 101, AB 102, AB 103, AB 104, AB 105, AB 106, AB 107, AB 108, AB 109, AB 110, AB 111, AB 112, AB 113, AB 114, AB 115, AB 116, AB 117, AB 118, AB 119, AB 120, AB 121, and AB 122** were ordered to second reading and read the second time upon receipt.

Second Reading of Assembly Bills (Out of Order)

Assembly Bill 93—An act relating to the Budget Act of 2011.

Assembly Bill 94—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 95—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 96—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 97—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 98—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 99—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 100—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 101—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 102—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 103—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.



Assembly Bill 104—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 105—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 106—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 107—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 108—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 109—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 110—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 111—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 112—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 113—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 114—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 115—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 116—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 117—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 118—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.

Assembly Bill 119—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.
Bill read second time and ordered to third reading.

Assembly Bill 120—An act relating to the Budget Act of 2011.
Bill read second time and ordered to third reading.



Assembly Bill 121—An act relating to the Budget Act of 2011.

Bill read second time and ordered to third reading.

Bill read second time and ordered to third reading.

Assembly Bill 122—An act relating to the Budget Act of 2011.

Bill read second time and ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT (SCR 16)

Senator Evans asked for, and was granted, unanimous consent that SCR 16 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 16

Senate Concurrent Resolution 16—Relative to Women's History Month and women's suffrage.

Resolution read third time and presented by Senator Evans.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (34)—Senators Alquist, Anderson, Blakeslee, Calderon, Corbett, Correa, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Lowenthal, Negrete McLeod, Padilla, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS

Consideration of Governor's Appointment

Senator Steinberg placed the following Governor's appointment before the Senate:

JOHN LAIRD, Secretary, Natural Resources Agency.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (35)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, Leno, Lieu, Lowenthal, Negrete McLeod, Padilla, Price, Rubio, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.



Consideration of Governor's Appointment

Senator Steinberg placed the following Governor's appointment before the Senate:

ANA J. MATOSANTOS, Director of Finance.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (36)—Senators Alquist, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Lowenthal, Negrete McLeod, Padilla, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Anderson.

Consideration of Appointments by the Governor**Division of Question Demanded**

Senator La Malfa demanded that the question be divided and that the confirmation of the appointment of:

Mark S. Andre, Member, State Board of Forestry and Fire Protection be taken up separately.

Consideration of Governor's Appointment

Senator Steinberg placed the following Governor's appointment before the Senate:

MARK S. ANDRE, Member, State Board of Forestry and Fire Protection.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Lowenthal, Negrete McLeod, Padilla, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wright, Wyland, and Yee.

NOES (0)—None.



Consideration of Governor's Appointment

Senator Steinberg placed the following Governor's appointment before the Senate:

WYLIE A. AITKEN, Member, California Arts Council.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (34)—Senators Alquist, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, Leno, Lieu, Lowenthal, Negrete McLeod, Padilla, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (2)—Senators Anderson and La Malfa.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution 10—Relative to West Nile Virus and Mosquito and Vector Control Awareness Week.

Resolution read third time and presented by Senator Rubio.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Lowenthal, Negrete McLeod, Padilla, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution 6—Relative to human trafficking.

Resolution read third time and presented by Senator La Malfa.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Lowenthal, Negrete McLeod, Padilla, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



LEAVES OF ABSENCE FOR THE DAY

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

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 3:38 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 5 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 5 p.m., the Senate will adjourn until Tuesday, March 8, 2011.

Motion carried.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Concurrent Resolution 19: By Senator Price—Relative to early childhood education.

Senate Concurrent Resolution 20: By Senator DeSaulnier—Relative to California Safe Digging Month.

Senate Resolution 11: By Senator Harman—Relative to Senate Rules 22.1, 22.2, and 22.3.

**REPORTS OF STANDING COMMITTEES
Committee on Governance and Finance**

Senate Chamber, March 7, 2011

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

SB 46

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 Bill 46:—An act to add Section 53060.2 to the Government Code, relating to local government.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 46 pursuant to Joint Rule 58.

SENATOR CORREA



Permission of Rules Committee

Senate Chamber, March 7, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 46.

STEINBERG, Chair

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

REQUESTS TO ADJOURN IN MEMORIAM

Senator Leno requested that when the Senate adjourns this day it do so in memory of Michael Barcum and Clint Mitchell of San Francisco and Dutch Luchtel of Sun Lakes, Arizona.

Senator Rubio requested that when the Senate adjourns this day it do so in memory of Satwant Rai of Bakersfield.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Lajune Bush of San Jose.

ADJOURNMENT

At 5 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 8, 2011.

PAULA K. ROSSETTO, Minute Clerk

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