

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

FORTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, March 14, 2011

The Senate met at 12:07 p.m.
Hon. Curren Price, of the 26th 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, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee—36.

Quorum present.

(NOTE: Senators Calderon, Evans, Kehoe, and Pavley will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

The great 20th century theologian and writer, C.S. Lewis observed that “Courage is not simply one of the virtues, but the form of every virtue at the testing point.”

On a daily basis our beliefs, our morals, our ideals, are tested by the realities of life. Who we are is not merely a matter of the virtues we espouse. Rather, it is the ongoing courageous steps we must take to put these ideals into action, each and every day, that ultimately define who we are.

May the Holy One, the Creator of us all, grant us the wisdom to repair what ails our society, the fortitude to do what is not easy, and the courage to always act with integrity. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor’s Office, State Capitol
March 11, 2011

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective close of business March 11, 2011, the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Lea Ann Branch	Commissioner, Board of Parole Hearings
Janice W. Cone, Ph.D.	Member, Board of Behavioral Sciences, Department of Consumer Affairs

Sincerely,

EDMUND G. BROWN JR., Governor

Above transmitted to the Committee on Rules.

Senator Simitian Presiding**REPORTS OF STANDING COMMITTEES****Committee on Rules**

Senate Chamber, March 14, 2011

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

SB 142

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 142**—An act relating to energy.

Bill read second time.

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

Committee on Transportation and Housing

Senate Chamber, March 14, 2011

Mr. President: The Chair of the Committee on Transportation and Housing, to which were referred:

SB 125

SB 211

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

DESAULNIER, Chair

Second Reading of Bills—Author's Amendments**Senate Bill 125**—An act to add Section 23304 to the Vehicle Code, relating to vehicles.

Bill read second time.

Senate Bill 211—An act to amend Section 38580 of, and to add Section 38568 to, the Health and Safety Code, relating to air pollution.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, March 14, 2011

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

SB 111

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

EVANS, Chair

Second Reading of Bills—Author's Amendments**Senate Bill 111**—An act to add Section 51.15 to the Civil Code, relating to civil rights.

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 14, 2011

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

SB 235



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 235—An act to add Division 4 (commencing with Section 61500) to Title 6 of the Government Code, relating to districts.

Bill read second time.

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

Committee on Elections and Constitutional Amendments

Senate Chamber, March 14, 2011

Mr. President: The Chair of the Committee on Elections and Constitutional Amendments, to which was referred:

SB 109

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

CORREA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 109—An act to amend Section 4004 of the Elections Code, relating to vote by mail elections, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to illness: Senators Calderon, Evans, Kehoe, and Pavley.

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

At 12:14 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, March 15, 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 for assignment:

Senate Bill 935: By the Committee on Environmental Quality (Senators Simitian (Chair), Blakeslee, Hancock, Kehoe, Lowenthal, Pavley, and Strickland)—An act to amend Sections 71200, 71201, 71204, 71204.6, 71204.7, 71205, and 71205.3 of the Public Resources Code, relating to ballast water, and declaring the urgency thereof, to take effect immediately.

Senate Concurrent Resolution 23: By Senator Wolk—Relative to Neurofibromatosis Awareness Month.

Senate Resolution 12: By Senator Alquist—Relative to Greek Independence Day.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, March 14, 2011

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

SB 245

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 245—An act relating to energy.

Bill read second time.

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

Committee on Governmental Organization

Senate Chamber, March 14, 2011

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

SB 120

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

WRIGHT, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 120—An act to add and repeal Section 17203.6 of the Government Code, relating to state funds, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Banking and Financial Institutions

Senate Chamber, March 14, 2011

Mr. President: The Chair of the Committee on Banking and Financial Institutions, to which was referred:

SB 201

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

VARGAS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 201—An act to amend Sections 102, 107, 174.5, 1100, 1113, 1152, 1155, and 1201 of, to add Sections 171.08 and 1112.5 to, and to add Division 1.5 (commencing with Section 2500) to Title 1 of, the Corporations Code, relating to corporations.

Bill read second time.

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

Committee on Energy, Utilities and Communications

Senate Chamber, March 14, 2011

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 37

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

PADILLA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 37—An act to add Section 21090.2 to, and to add Chapter 3.5 (commencing with Section 25250) to Division 15 of, the Public Resources Code, relating to energy.

Bill read second time.

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



Committee on Public Employment and Retirement

Senate Chamber, March 14, 2011

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

SB 259

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

NEGRETE McLEOD, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 259: —An act to amend Section 3562 of the Government Code, relating to higher education employees.

Bill read second time.

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

CONSIDERATION OF DAILY FILE**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill 105—An act relating to the Budget Act of 2011.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 105 pursuant to Joint Rule 58.

SENATOR MARK LENO

Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 105.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 105 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 99—An act relating to the Budget Act of 2011.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 99 pursuant to Joint Rule 58.

SENATOR MARK LENO

Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 99.

STEINBERG, Chair



Amendments Adopted

Amendments to AB 99 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

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

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 100 pursuant to Joint Rule 58.

SENATOR MARK LENO

Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 100.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 100 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

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

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 106 pursuant to Joint Rule 58.

SENATOR MARK LENO

Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 106.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 106 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

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

Amendments Adopted

Amendments to AB 107 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

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

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 108 pursuant to Joint Rule 58.

SENATOR MARK LENO



Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 108.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 108 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 95—An act relating to the Budget Act of 2011.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 95 pursuant to Joint Rule 58.

SENATOR MARK LENO

Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 95.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 95 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 97—An act relating to the Budget Act of 2011.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 97 pursuant to Joint Rule 58.

SENATOR MARK LENO

Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 97.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 97 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 103—An act relating to the Budget Act of 2011.

Bill read third time.

Amendments Adopted

Amendments to AB 103 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.



Assembly Bill 102—An act relating to the Budget Act of 2011.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 102 pursuant to Joint Rule 58.

SENATOR MARK LENO

Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 102.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 102 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 98—An act relating to the Budget Act of 2011.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 98 pursuant to Joint Rule 58.

SENATOR MARK LENO

Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 98.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 98 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 104—An act relating to the Budget Act of 2011.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 104 pursuant to Joint Rule 58.

SENATOR MARK LENO

Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 104.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 104 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.



Assembly Bill 110—An act relating to the Budget Act of 2011.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 110 pursuant to Joint Rule 58.

SENATOR MARK LENO

Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 110.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 110 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 111—An act relating to the Budget Act of 2011.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 111 pursuant to Joint Rule 58.

SENATOR MARK LENO

Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 111.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 111 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 94—An act relating to the Budget Act of 2011.

Bill read third time.

Amendments Adopted

Amendments to AB 94 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 109—An act relating to the Budget Act of 2011.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 109 pursuant to Joint Rule 58.

SENATOR MARK LENO



Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 109.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 109 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 96—An act relating to the Budget Act of 2011.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 96 pursuant to Joint Rule 58.

SENATOR MARK LENO

Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 96.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 96 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

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

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 93 pursuant to Joint Rule 58.

SENATOR MARK LENO

Permission of Rules Committee

Senate Chamber, March 14, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 93.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 93 proposed by Senator Calderon were read and adopted and the measure ordered printed and to second reading.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Pavley requested that when the Senate adjourns this day it do so in memory of Lily Ruff of Agoura Hills.

Senators Price and Wright requested that when the Senate adjourns this day it do so in memory of Pastor Billy Ingram of Los Angeles.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 15, 2011.

PAULA K. ROSSETTO, Minute Clerk

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