

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, April 4, 2011

The Senate met at 1:10 p.m.
Hon. S. Joseph Simitian, of the 11th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Zachary L. Twilla reading.

QUORUM CALL OF THE SENATE

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

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

ROLL CALL

The roll was called and the following Senators answered to their names:

Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Liu, Lowenthal, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee—36.

Quorum present.

(NOTE: Senator Runner will be excused this day on legislative business, Senator Hancock will be excused this day on personal business, and Senators Lieu and Negrete McLeod will be excused this day due to illness.)



PRAYER

Upon invitation of the President, the following prayer was offered by Senator Mark Leno:

The American poet, John Burroughs, wrote:

The lesson which life repeats and constantly enforces is "Look under foot." You are always nearer the divine and the true sources of your power than you think. The lure of the distant and the difficult is deceptive. The great opportunity is where you are. Do not despise your own place and hour. Every place is under the stars, every place is the center of the world.

It is easy to get distracted and look for life's treasures and rewards as something to be found in the far-off future, in another place, or as somehow unattainable in the here and now.

However this is not true. In every place and every moment there is an opportunity to encounter the sacred.

Baruch atah adonoi, eloheynu melech ha'olum, sh'hecheyanu, v'keymana, v'higeyanu laz'man ha'ze.

Blessed one you Creator of the Universe who has given us life, sustained us and brought us to this time and place.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 31, 2011

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

ACR 12

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 12—Relative to César Chávez Day.

REPORTS OF STANDING COMMITTEES**Committee on Judiciary**

Senate Chamber, April 4, 2011

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

SB 558

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 558—An act to amend Section 15657 of the Welfare and Institutions Code, relating to public social services.

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, April 4, 2011

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

SB 911

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 911—An act to amend Section 53411 of the Government Code, relating to local agency finance.

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

Date of Hearing, March 29, 2011

Mr. President: The Committee on Public Safety, to which was referred:

SB 557

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

HANCOCK, Chair

Above measure ordered to second reading.

Committee on Transportation and Housing

Date of Hearing, March 29, 2011

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 29

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

DESAULNIER, Chair

Above measure ordered to second reading.



Committee on Appropriations

Senate Chamber, April 4, 2011

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

SB 114

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

KEHOE, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 114—An act to add Section 87483.7 to the Education Code, relating to community colleges.

Bill read second time.

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

Committee on Judiciary

Date of Hearing, March 29, 2011

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

SB 154

Reports the same back with the recommendation: Do pass as amended.

EVANS, Chair

Above measure ordered to second reading.

Committee on Transportation and Housing

Date of Hearing, March 29, 2011

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 209

Reports the same back with the recommendation: Do pass as amended.

DESAULNIER, Chair

Above measure ordered to second reading.

Committee on Business, Professions and Economic Development

Date of Hearing, April 4, 2011

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which was referred:

SB 747

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

PRICE, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 747—An act to amend Sections 2190.1, 2811.5, 2892.5, 2915, 3524.5, 4517, 4980.54, and 4996.22 of, and to add Section 2070.5

to, the Business and Professions Code, and to amend Section 1337.3 of the Health and Safety Code, relating to healing arts.

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

Date of Hearing, April 4, 2011

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

SB 325

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 325—An act to add Title 12.5 (commencing with Section 93300) to the Government Code, relating to railroads.

Bill read second time.

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

Committee on Judiciary

Date of Hearing, March 29, 2011

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

SB 284

Reports the same back with the recommendation: Do pass as amended, and be placed on the Consent Calendar.

EVANS, Chair

Above measure ordered to second reading.

Committee on Human Services

Senate Chamber, April 4, 2011

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

SB 368

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

LIU, Chair

Second Reading of Bills—Author's Amendments

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

Bill 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, and transmitted to the Committee on Rules for assignment on April 1, 2011:

Senate Bill 947: By the Committee on Governance and Finance (Senators Wolk (Chair), DeSaulnier, Fuller, Hancock, Hernandez, Huff, Kehoe, La Malfa, and Liu)—An act to amend Sections 63.1, 69.5, 74.5, 74.6, 205.5, 276.2, 278, 279, 483, 531.1, 830, 862, 4831, 11551, and 11596 of, to add Section 271.5 to, and to repeal Section 75.23 of, the Revenue and Taxation Code, relating to taxation.

Senate Bill 948: By the Committee on Governance and Finance (Senators Wolk (Chair), DeSaulnier, Fuller, Hancock, Hernandez, Huff, Kehoe, La Malfa, and Liu)—An act to amend Sections 408, 620, 2611.1, 2635, 2923, 3698.8, 4675, 4676, 4842, 4911, 5096, 5097.2, and 5150.5 of the Revenue and Taxation Code, relating to taxation.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill 134—An act to amend Section 32121 of the Health and Safety Code, relating to health care districts.

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

Senate Bill 595—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.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Water were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 113—An act to amend Section 14163 of, and to add Article 5.17 (commencing with Section 14165.55) to, the Welfare and Institutions Code, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10(c), **AB 113** was re-referred to the Committee on Rules.

Senator Price Presiding**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS**

Senate Concurrent Resolution 7—Relative to celiac disease.
Resolution read third time and presented by Senator Huff.



Roll Call

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

AYES (34)—Senators Alquist, Anderson, Berryhill, Calderon, Cannella, Corbett, Correa, De León, Dutton, Emmerson, Evans, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Liu, Lowenthal, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Senate Bill 445—An act to amend Section 6267 of the Government Code, relating to public records.

Bill read third time and presented by Senator Simitian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Alquist, Anderson, Berryhill, Calderon, Cannella, Corbett, Correa, De León, Dutton, Emmerson, Evans, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Liu, Lowenthal, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senator Simitian Presiding**THIRD READING OF ASSEMBLY BILLS**

Assembly Concurrent Resolution 17—Relative to Campus Safety Month.

Resolution read third time and presented by Senator Price.

Roll Call

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

AYES (34)—Senators Alquist, Anderson, Berryhill, Calderon, Cannella, Corbett, Correa, De León, Dutton, Emmerson, Evans, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Liu, Lowenthal, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

RECESS

At 1:32 p.m., the Senate recessed in order to convene the First Extraordinary session.

REASSEMBLED

At 1:39 p.m., the Senate reconvened.

Hon. S. Joseph Simitian, of the 11th District, presiding.



LEAVES OF ABSENCE FOR THE DAY

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

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

The following Senators were granted leaves of absence for the day due to illness: Senators Lieu and Negrete McLeod.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 1:41 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, April 5, 2011.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 4, 2011

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

AB 329

AB 334

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Bill 329—An act to add Section 31485.18 to the Government Code, relating to county employees' retirement, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 334—An act to amend Section 1064 of the Government Code, relating to community college board members.

REPORTS OF STANDING COMMITTEES**Committee on Public Safety**

Senate Chamber, April 4, 2011

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 123

SB 420

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.

Senate Bill 420:—An act to add Section 11357.5 to the Penal Code, relating to controlled substances.

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, April 4, 2011

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

SB 761

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 761:—An act to add Section 22947.45 to the Business and Professions Code, relating to business.

Bill read second time.

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

Committee on Insurance

Senate Chamber, April 4, 2011

Mr. President: The Chair of the Committee on Insurance, to which were referred:

SB 599

SB 713

SB 715

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

CALDERON, Chair

Second Reading of Bills—Author's Amendments

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

Bill read second time.

Senate Bill 713:—An act to add Article 11 (commencing with Section 10509.930) to Chapter 5 of Part 2 of Division 2 of the Insurance Code, relating to insurance.

Bill read second time.



Senate Bill 715:—An act to add Article 9 (commencing with Section 10509.910) to Chapter 5 of Part 2 of Division 2 of the Insurance Code, relating to annuity transactions.

Bill read second time.

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

Committee on Rules

Senate Chamber, April 4, 2011

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

SB 166 SB 185 SB 362 SB 573

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 166:—An act to add Section 1374.73 to the Health and Safety Code, and to add Section 10144.51 to the Insurance Code, relating to health care coverage.

Bill read second time.

Senate Bill 185:—An act to amend Section 66205 of the Education Code, relating to public postsecondary education.

Bill read second time.

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

Bill read second time.

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

Bill read second time.

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

Committee on Transportation and Housing

Date of Hearing, March 29, 2011

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 730

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Environmental Quality.

DESAULNIER, Chair

Above measure ordered to second reading.



Committee on Education

Senate Chamber, April 4, 2011

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

SB 429

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

LOWENTHAL, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 429:—An act to amend Sections 8483.7 and 8483.75 of, and to add Section 8483.76 to, the Education Code, relating to child care.

Bill read second time.

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

Date of Hearing, March 30, 2011

Mr. President: The Committee on Education, to which was referred:

SB 675

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Business, Professions and Economic Development.

LOWENTHAL, Chair

Above measure ordered to second reading.

Committee on Judiciary

Senate Chamber, April 4, 2011

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

SB 458

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 458:—An act to amend Section 580b of the Code of Civil Procedure, relating to mortgages.

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, April 4, 2011

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

SB 357



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 357:—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.

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, April 4, 2011

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

SB 862

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 862:—An act to add Part 3 (commencing with Section 1770) to Division 6 of the Harbors and Navigation Code, relating to the Southern California Goods Movement Authority.

Bill read second time.

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

Committee on Labor and Industrial Relations

Senate Chamber, April 4, 2011

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 727

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

LIEU, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 727:—An act to repeal Section 4651.2 of the Labor Code, relating to workers' compensation.

Bill 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:

Senate Concurrent Resolution 32: By Senator Correa (Coauthors: Senators Harman, Payley, Runner, Simitian, Strickland, Vargas, Wolk, and Wright) (Coauthors: Assembly Members Ammiano, Beall, Hall, Huffman, Lara, Mansoor, and Portantino)—Relative to Senior Volunteer Month.

Senate Concurrent Resolution 33: By Senator Price—Relative to foreign investment.

Senate Joint Resolution 4: By Senator Harman—Relative to the United States-Korea Free Trade Agreement.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 555** was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Rules.

Without objection, **SB 14** and **SB 15** were withdrawn from the Committee on Appropriation and re-referred to the Committee on Rules.

MEMORANDUM OF UNDERSTANDING

A Memorandum of Understanding (MOU) reached with Bargaining Unit 6, dated April 4, 2011, was received from the Department of Personnel Administration and filed pursuant to Senate Rule 29.4.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Alquist requested that when the Senate adjourns this day it do so in memory of Edith Wilkie Edwards of Carmel.

Senator Corbett requested that when the Senate adjourns this day it do so in memory of John “Jack” Felldin of Hermosa Beach.

Senator Correa requested that when the Senate adjourns this day it do so in memory of John Palacio of Riverside.

Senator Evans requested that when the Senate adjourns this day it do so in memory of Mitch Mulas of Sonoma.

Senator Kehoe requested that when the Senate adjourns this day it do so in memory of Judy Moore.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators’ requests upon call of the President pro Tempore, Tuesday, April 5, 2011.

PAULA K. ROSSETTO, Minute Clerk

