

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, May 5, 2011

The Senate met at 9 a.m.

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

Secretary Greg Schmidt at the Desk.

Assistant Secretary Zachary L. Twilla reading.

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, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee—40.

Quorum present.



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

Yesterday marked the 50th anniversary of the first Freedom Ride that went from Washington, D.C. to New Orleans. The Freedom Riders were black and white civil rights activists who rode public busses across state lines to try to bring an end to segregation, and to see that the law of the land was enforced.

The Freedom Riders reminded us that as Americans, our fate is intertwined with one another. That it should not matter where we live, or what color our skin is, or how we pray, our country is one nation under God, and should forever stand indivisible with liberty and justice for all its citizens.

We pray to the Holy One, the Creator of us all, and give thanks for the freedoms we too often take for granted, we give thanks for those who have fought for, and even laid down their lives for, the rights given to us by God and the Constitution. May their sacrifices always be remembered and never taken for granted. May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Health**

Date of Hearing, April 27, 2011

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

SB 51

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

HERNANDEZ, Chair

Above measure ordered to second reading.

Committee on Public Employment and Retirement

Date of Hearing, May 2, 2011

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

SB 294

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

NEGRETE McLEOD, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, May 4, 2011

Mr. President: The Committee on Rules has examined:

SB 66



And reports that the same has been correctly enrolled, and presented to the Governor on the 4th day of May, 2011, at 4 p.m.

STEINBERG, Chair

Committee on Banking and Financial Institutions

Senate Chamber, May 4, 2011

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

SB 729

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

VARGAS, Chair

Above measure ordered filed with the Secretary of the Senate.

CONSIDERATION OF DAILY FILE (RESUMED)

SECOND READING OF SENATE BILLS

Senate Bill 444—An act to amend Section 66427.5 of the Government Code, relating to land use.

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

Senate Bill 563—An act to amend Sections 1363, 1363.05, and 1365.2 of the Civil Code, relating to common interest developments.

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

Senate Bill 855—An act to amend Section 4351 of the Food and Agricultural Code, relating to race tracks.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 791—An act to amend Section 14536 of the Government Code, relating to transportation.

Bill read second time, ordered engrossed, and to Consent Calendar.

Senate Bill 678—An act to add Section 1203.83 to the Penal Code, relating to probation.

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

Senate Bill 448—An act to add Section 101.5 to the Elections Code, relating to voting.

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

Senate Bill 422—An act to amend Section 121015 of the Health and Safety Code, relating to health reporting.

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



Senate Bill 674—An act to amend Sections 739.5, 8380, and 8381 of, and to repeal Section 709.7 of, the Public Utilities Code, relating to public utilities.

Bill read second time.

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

Senate Bill 705—An act to add Chapter 4.5 (commencing with Section 950) to, and to repeal Chapter 2.2 (commencing with Section 328) of, Part 1 of Division 1 of the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 555—An act to amend Sections 53313.5 and 53324 of, and to add Sections 53328.1, 53329.6, 53355.5, and 53355.7 to, the Government Code, and to amend Section 26104 of the Public Resources Code, relating to local government.

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

Senate Bill 506—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.

Bill read second time.

The amendments proposed by the Committee on Governance and Finance were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 626—An act to add Division 8.9 (commencing with Section 22992) to the Business and Professions Code, and to add Section 7059 to the Revenue and Taxation Code, relating to cannabis.

Bill read second time.

The amendments proposed by the Committee on Governance and Finance were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 542—An act to amend Sections 5000, 5015.6, 5076, 5076.1, 6510, and 6530 of, and to add Section 6582.2 to, the Business and Professions Code, relating to professions and vocations.

Bill read second time.

The amendments proposed by the Committee on Business, Professions and Economic Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.



Senate Bill 704—An act to amend Section 4996.28 of, to amend, add, and repeal Sections 4992.1, 4996.1, 4996.3, and 4996.4 of, to amend, repeal, and add Sections 4980.40, 4980.50, 4984.01, 4984.7, and 4984.72 of, and to add Sections 4980.397, 4980.398, 4980.399, 4992.05, 4992.07, and 4992.09 to, the Business and Professions Code, relating to healing arts.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 834—An act to amend Section 10540 of the Water Code, relating to water.

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

Senate Bill 250—An act to amend Section 21086 of the Public Resources Code, relating to environmental quality.

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

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Wolk:

Senate Chamber, May 5, 2011

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) in order that SB 228 may be reported by the Committee on Governance and Finance after the May 6 deadline.

SENATOR WOLK

Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

STEINBERG, Chair

JOINT RULE DISPENSED WITH

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(a)(2) was dispensed with as requested.

RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **SB 510** was re-referred to the Committee on Appropriations.

CONSIDERATION OF DAILY FILE THIRD READING OF SENATE BILLS

Senate Bill 56—An act to amend Sections 3070 and 3073.1 of, and to add Sections 3075.5, 3075.6, and 3075.7 to, the Labor Code, relating to apprenticeships.

Bill read third time and presented by Senator Corbett.

The roll was called.



CALL OF THE SENATE

Pending the announcement of the vote, Senator Corbett moved a call of the Senate.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 62—An act to amend, repeal, and add Sections 27297.6 and 27387.1 of the Government Code, relating to local government.

Bill read third time and presented by Senator Liu.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Liu moved a call of the Senate.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 278—An act to add Article 4 (commencing with Section 115815) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to public safety.

Bill read third time and presented by Senator Gaines.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Dutton moved a call of the Senate.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 249—An act to add Section 4132 to the Food and Agricultural Code, relating to district agricultural associations.

Bill read third time and presented by Senator Yee.

Roll Call

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

AYES (30)—Senators Alquist, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Evans, Fuller, Hancock, Harman, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Vargas, Wolk, Wright, Wyland, and Yee.

NOES (9)—Senators Anderson, Berryhill, Blakeslee, Dutton, Gaines, La Malfa, Runner, Strickland, and Walters.

Bill ordered transmitted to the Assembly.

Senate Bill 580—An act to add Section 5013.2 to the Public Resources Code, relating to state parks.

Bill read third time and presented by Senator Wolk.

The roll was called.



CALL OF THE SENATE

Pending the announcement of the vote, Senator Wolk moved a call of the Senate.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 234—An act to amend Section 6203 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Hancock.

Roll Call

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

AYES (22)—Senators Alquist, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Vargas, Wolk, Wright, and Yee.

NOES (17)—Senators Anderson, Berryhill, Blakeslee, Calderon, Cannella, Correa, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

Senate Bill 33—An act to repeal Section 7480 of the Government Code, and to amend Section 15630.1 of, and to amend and repeal Sections 15633, 15634, 15640, and 15655.5 of, the Welfare and Institutions Code, relating to elder and dependent adult abuse.

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 (39)—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, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 291—An act to add Section 1554.3 to the Penal Code, relating to bail.

Bill read third time and presented by Senator Vargas.

Roll Call

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

AYES (40)—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, Liu, Lowenthal, Negrete McLeod, Padilla,

Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senator Simitian Presiding

Senate Resolution 15—Relative to Financial Aid Awareness Month.

Resolution read third time and presented by Senator Lowenthal.

Roll Call

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

AYES (40)—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, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Senate Concurrent Resolution 24—Relative to Small Business 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 (40)—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, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Senator Price Presiding

Senate Concurrent Resolution 40—Relative to emergency services.

Resolution read third time and presented by Senator Corbett.

Roll Call

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

AYES (40)—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, Liu, Lowenthal, Negrete McLeod, Padilla,



Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution 3—Relative to toxic substances control.

Resolution read third time and presented by Senator Pavley.

Roll Call

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

AYES (22)—Senators Alquist, Calderon, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Padilla, Pavley, Price, Rubio, Simitian, Vargas, Wolk, Wright, and Yee.

NOES (15)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Strickland, Walters, and Wyland.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution 12—Relative to taxation.

Resolution read third time and presented by Senator Liu.

Roll Call

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

AYES (24)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Vargas, Wolk, Wright, and Yee.

NOES (15)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Strickland, Walters, and Wyland.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution 22—Relative to California School Bullying Prevention Awareness Month.

Resolution read third time and presented by Senator Vargas.

Roll Call

The roll was called and the resolution was adopted 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, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Strickland, Vargas, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Anderson.

Resolution ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 56)**

On motion of Senator Corbett, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and SB 56 was passed by the following vote:

AYES (25)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (15)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Strickland, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 62)**

On motion of Senator Liu, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and SB 62 was passed by the following vote:

AYES (28)—Senators Alquist, Calderon, Cannella, Corbett, De León, DeSaulnier, Emmerson, Evans, Fuller, Hancock, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (11)—Senators Anderson, Berryhill, Blakeslee, Correa, Dutton, Gaines, Harman, La Malfa, Strickland, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 278)**

On motion of Senator Dutton, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and SB 278 was passed by the following vote:

AYES (38)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe,



La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 580)**

On motion of Senator Wolk, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and SB 580 was refused passage by the following vote:

AYES (17)—Senators Alquist, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Pavley, Price, Simitian, Steinberg, and Wolk.

NOES (20)—Senators Anderson, Berryhill, Blakeslee, Calderon, Cannella, Correa, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Negrete McLeod, Rubio, Runner, Strickland, Walters, Wright, and Wyland.

Motion to Reconsider

Senator Wolk moved to reconsider the vote whereby SB 580 was refused passage.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (40)—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, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered returned to third reading.

CONSENT CALENDAR

Senate Bill 936—An act to amend Sections 10072, 10544.317, 11453, and 11462 of, and to repeal Sections 11521 and 11521.7 of, the Welfare and Institutions Code, relating to public social services.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)



Senate Bill 491—An act to amend Section 8250 of the Probate Code, relating to civil procedure.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 926—An act to amend Section 361.3 of the Welfare and Institutions Code, relating to dependent children.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 194—An act to amend Sections 50057, 53601, 54954.6, 65353, 66426.5, 66428, 66452.6, and 66484.3 of, to repeal Section 61041 of, and to repeal Chapter 12.5 (commencing with Section 26170) of Part 2 of Division 2 of Title 3 of, the Government Code, to amend Section 4768 of, to amend and renumber Section 33320.51 of, and to repeal Section 33038 of, the Health and Safety Code, to amend Section 20395 of the Public Contract Code, to amend Sections 21669.5 and 99243 of the Public Utilities Code, to repeal Part 16 (commencing with Section 36000) of the Revenue and Taxation Code, and to amend Sections 2151, 22525, 36522, 36608, 36615, 36622, 36623, 36625, 36627, 36631, and 36670 of the Streets and Highways Code, relating to local government.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 711—An act to amend Section 1067.17 of, and to add Section 1067.19 to, the Insurance Code, and to repeal Section 16 of Chapter 334 of the Statutes of 2010, relating to insurance.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 180—An act to amend Section 1770 of the Civil Code, relating to consumer affairs.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (40)—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, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.



REQUEST TO BE ADDED TO ROLL CALL

May 5, 2011

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 56—Aye

SB 62—Aye

SB 580—Aye

DARRELL STEINBERG, President pro Tempore

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

At 10:17 a.m., on motion of Senator Harman, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Harman 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 Monday, May 9, 2011.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

May 5, 2011

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment and reappointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

EDMUND G. BROWN JR., Governor

HENRY A.J. RAMOS, currently serves on the board of directors of the Foundation for California Community Colleges and has served on the Board of Governors of the California Community Colleges since 2009. Ramos has been a principal at Mauer Kunst Consulting since 1995. He previously served as a program officer at the James Irvine Foundation from 1992 to 1995 and as a U.S. Fellow in Germany for the Robert Bosch Foundation Fellowship Program, from 1991 to 1992. Ramos was an independent foundation consultant from 1990 to 1991 and an assistant program officer at the Ford Foundation from 1985 to 1988. Previously, he was a special assistant to the national chairman for government and public affairs at the American GI Forum from 1980 to 1983. Reappointed 04/29/11. Effective 05/05/11.

Member, Board of Governors of the California Community Colleges, term ending 01/15/14.

Above appointment referred to the Committee on Rules.



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 5, 2011

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

AB 23	AB 230	AB 699	AB 348
AB 130	AB 240	AB 712	AB 853
AB 147	AB 252	AB 820	AB 1026
AB 186	AB 433	AB 835	AB 1281
AB 195	AB 461	AB 1101	
AB 197	AB 470	AB 1203	
AB 201	AB 607	AB 1263	

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 23—An act to add Section 54952.3 to the Government Code, relating to local government.

Assembly Bill 130—An act to amend Section 68130.7 of, and to add Section 66021.7 to, the Education Code, relating to student financial aid.

Assembly Bill 147—An act to add Section 66484.7 to the Government Code, relating to subdivisions.

Assembly Bill 186—An act to amend Section 120130 of the Health and Safety Code, relating to public health.

Assembly Bill 195—An act to amend Section 3506 of, and to add Section 3506.5 to, the Government Code, relating to local public employee organizations.

Assembly Bill 197—An act to amend Section 1194.2 of the Labor Code, relating to employment.

Assembly Bill 201—An act to add Chapter 2.97 (commencing with Section 1001.95) to Title 6 of Part 2 of the Penal Code, relating to veterans courts.

Assembly Bill 230—An act to amend Section 76001 of the Education Code, relating to joint educational programs.

Assembly Bill 240—An act to amend Sections 98 and 1194.2 of the Labor Code, relating to employment.

Assembly Bill 252—An act to amend Section 25600.5 of the Business and Professions Code, relating to alcoholic beverages.



Assembly Bill 433—An act to amend Sections 103425, 103430, and 103435 of the Health and Safety Code, relating to vital records.

Assembly Bill 461—An act to add Section 15342.5 to the Elections Code, relating to elections.

Assembly Bill 470—An act to amend Sections 41081 and 44229 of the Health and Safety Code, relating to air pollution.

Assembly Bill 607—An act to amend Section 375 of, and to add and repeal Section 25353.1 of, the Vehicle Code, relating to vehicles.

Assembly Bill 699—An act to amend Section 2040 of the Family Code, to amend Sections 250, 267, 279, 5000, 5302, 13111, 13206, and 13562 of, to amend and renumber Sections 5600, 5601, 5602, 5603, and 5604 of, to add Section 69 to, to add the heading of Chapter 3 (commencing with Section 5040) to Part 1 of Division 5 of, to add and repeal Part 4 (commencing with Section 5600) of Division 5 of, and to repeal the heading of Part 4 (commencing with Section 5600) of Division 5 of, the Probate Code, relating to nonprobate transfers.

Assembly Bill 712—An act to add Section 14583 to the Public Resources Code, relating to recycling.

Assembly Bill 820—An act to amend Section 162 of, and to add Section 162.1 to, the Revenue and Taxation Code, relating to taxation.

Assembly Bill 835—An act to amend Section 88532 of the Education Code, relating to community colleges.

Assembly Bill 1101—An act to amend, repeal, and add Section 22200 of the Education Code, relating to the Teachers' Retirement Board.

Assembly Bill 1203—An act to amend Sections 45210 and 88210 of the Education Code, and to amend Section 3505.3 of the Government Code, relating to public employee organizations.

Assembly Bill 1263—An act to add Section 11785.5 to the Insurance Code, relating to the State Compensation Insurance Fund.

Assembly Bill 348—An act to add and repeal Section 97.4 of the Streets and Highways Code, relating to highways.

Assembly Bill 853—An act to amend Sections 68074 and 68075 of the Education Code, relating to public postsecondary education.

Assembly Bill 1026—An act to amend Section 245 of the Penal Code, relating to assault.

Assembly Bill 1281—An act to amend Section 3043.25 of the Penal Code, relating to parole.



REPORTS OF STANDING COMMITTEES**Committee on Health**

Date of Hearing, May 4, 2011

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

SB 393

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules with the recommendation: To Consent Calendar.

HERNANDEZ, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, May 4, 2011

Mr. President: The Committee on Health, to which were referred:

SB 20

SB 136

SB 485

SB 945

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

HERNANDEZ, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Environmental Quality

Date of Hearing, May 2, 2011

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

SB 394

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

SIMITIAN, Chair

Above measure ordered to second reading.

Senate Chamber, May 5, 2011

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

SB 582

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

SIMITIAN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 582—An act to add and repeal Section 65081 of the Government Code, relating to transportation.

Bill read second time.

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



Committee on Business, Professions and Economic Development

Date of Hearing, May 2, 2011

Mr. President: The Committee on Business, Professions and Economic Development, to which were referred:

SB 540 SB 628 SB 924 SB 944

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

PRICE, Chair

Above measures ordered to second reading.

Senate Chamber, May 5, 2011

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

SB 147 SB 675

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

PRICE, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Public Safety

Date of Hearing, April 26, 2011

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

SB 41

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

HANCOCK, Chair

Above measure ordered to second reading.

Committee on Transportation and Housing

Date of Hearing, May 3, 2011

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

SB 184

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

DESAULNIER, Chair

Above measure ordered to second reading.

Committee on Education

Date of Hearing, May 4, 2011

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

SB 760



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

LOWENTHAL, Chair

Above measure ordered to second reading.

Committee on Environmental Quality

Date of Hearing, May 2, 2011

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

SB 900

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

SIMITIAN, Chair

Above measure ordered to second reading.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 715** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations; and

SB 929 was withdrawn from the Committee on Governance and Finance and re-referred to the Committee on Appropriations.

SENATE COMMITTEE ROLL CALLS

Committee on Environmental Quality

SB 431—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Blakeslee, Hancock, Kehoe, Lowenthal, Pavley, Simitian, and Strickland.

NOES (0)—None.

SB 560—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Blakeslee and Strickland.

NOES (5)—Senators Hancock, Kehoe, Lowenthal, Pavley, and Simitian.

Failed passage

SB 560—Reconsideration granted

AYES (7)—Senators Blakeslee, Hancock, Kehoe, Lowenthal, Pavley, Simitian, and Strickland.

NOES (0)—None.

SB 688—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Blakeslee and Strickland.

NOES (5)—Senators Hancock, Kehoe, Lowenthal, Pavley, and Simitian.

Failed passage



SB 688—Reconsideration granted

AYES (7)—Senators Blakeslee, Hancock, Kehoe, Lowenthal, Pavley, Simitian, and Strickland.

NOES (0)—None.

Date of Hearing: 5/4/2011

Simitian (Chair)

Committee on Health**SB 20—Do pass and re-refer to Committee on Appropriations**

AYES (8)—Senators Alquist, Blakeslee, De León, DeSaulnier, Hernandez, Rubio, Strickland, and Wolk.

NOES (1)—Senator Anderson.

SB 42—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alquist, De León, DeSaulnier, Hernandez, Rubio, and Wolk.

NOES (3)—Senators Anderson, Blakeslee, and Strickland.

SB 136—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alquist, De León, DeSaulnier, Hernandez, Rubio, and Wolk.

NOES (2)—Senators Anderson and Strickland.

SB 393—Do pass and re-refer to Committee on Rules, with the recommendation: To Consent Calendar

AYES (9)—Senators Alquist, Anderson, Blakeslee, De León, DeSaulnier, Hernandez, Rubio, Strickland, and Wolk.

NOES (0)—None.

SB 485—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alquist, Blakeslee, De León, DeSaulnier, Hernandez, Rubio, and Wolk.

NOES (2)—Senators Anderson and Strickland.

SB 594—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alquist, De León, DeSaulnier, Hernandez, Rubio, and Wolk.

NOES (3)—Senators Anderson, Blakeslee, and Strickland.

SB 615—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alquist, Anderson, Blakeslee, De León, DeSaulnier, Hernandez, Rubio, Strickland, and Wolk.

NOES (0)—None.



SB 690—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alquist, Anderson, Blakeslee, De León, DeSaulnier, Hernandez, Rubio, Strickland, and Wolk.

NOES (0)—None.

SB 751—Do pass as amended

AYES (9)—Senators Alquist, Anderson, Blakeslee, De León, DeSaulnier, Hernandez, Rubio, Strickland, and Wolk.

NOES (0)—None.

SB 810—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alquist, De León, DeSaulnier, Hernandez, and Wolk.

NOES (3)—Senators Anderson, Blakeslee, and Strickland.

SB 840—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alquist, De León, DeSaulnier, Hernandez, and Wolk.

NOES (3)—Senators Anderson, Blakeslee, and Strickland.

SB 945—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alquist, Anderson, Blakeslee, De León, DeSaulnier, Hernandez, Rubio, Strickland, and Wolk.

NOES (0)—None.

SB 946—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alquist, Anderson, Blakeslee, De León, DeSaulnier, Hernandez, Rubio, Strickland, and Wolk.

NOES (0)—None.

Date of Hearing: 5/4/2011

Hernandez (Chair)

Committee on Public Safety

SB 847—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Anderson, Calderon, Hancock, Harman, Liu, and Price.

NOES (0)—None.

Date of Hearing: 5/5/2011

Hancock (Chair)



REQUESTS TO ADJOURN IN MEMORIAM

Senator Correa requested that when the Senate adjourns this day it do so in memory of Ben De Leon and Christine Côté of Santa Ana and Arturo Bravo of Anaheim.

Senator Kehoe requested that when the Senate adjourns this day it do so in memory of Anne Ewing and Norman T. Seltzer of San Diego.

Senator Liu requested that when the Senate adjourns this day it do so in memory of Dorie Janine Steele of Pasadena.

Senator Pavley requested that when the Senate adjourns this day it do so in memory of Marie Panec of Oak Park.

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of Theodore “Ted” Cazanis of Sacramento.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Mary Ellen Baldwin and Hanna Biberstein of Davis and Jacob Wells of Stockton.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Harman, the Senate adjourned pursuant to the Senators’ requests until 12 p.m., Monday, May 9, 2011.

PAULA K. ROSSETTO, Minute Clerk

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