

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, May 17, 2011

The Senate met at 9 a.m.

Hon. Doug La Malfa, of the 4th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary Zachary L. Twilla reading.

ROLL CALL

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

Alquist, Anderson, Berryhill, Blakeslee, Calderon, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, and Wright—35.

Quorum present.

(NOTE: Senators Cannella, Lieu, and Yee will be excused this day on legislative business and Senators Strickland and Wyland will be excused this day on personal business.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
May 17, 2011

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments or reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

EDMUND G. BROWN JR., Governor



FREDERICK W. KLASS, JR., is the chief operating officer for the Department of Finance, a position he has held since 2007. Previously, Klass served as the program budget manager for the Department of Finance from 1988 to 2007. He was appointed to serve as vice chancellor for governmental relations for the California Community Colleges from 1984 to 1988. Klass was a consultant to the California Senate Budget Committee from 1983 to 1984. He also served as a budget analyst from 1981 to 1983 at the Department of Finance. Previously, he was a staff analyst on the Little Hoover Commission from 1977 to 1981. Appointed 05/09/11. Effective 05/09/11.

Director, General Services, vice, William C. Bush, resigned, term ending at the Pleasure of the Governor.

STEVEN M. GLAZER, previous senior political advisor and campaign manager of the Brown for Governor campaign in 2010. He is the president of Glazer & Associates, a strategic and communications consulting company that he formed in 1989. He has served in a variety of senior positions in the state Legislature, including positions with then-Assemblyman Gray Davis and then-Senate President pro Tempore David Roberti. He currently serves as vice mayor of the Orinda City Council, where he was first elected in 2004. He also serves as a board member of the Central Contra Costa Solid Waste Authority with responsibility for garbage and recycling services in portions of Contra Costa County. From 1977 to 1981, Glazer served as an elected leader and staff member of the California State Student Association, where he participated in CSU Board of Trustees meetings. Appointed 05/02/11. Effective 05/04/11.

Member, Trustees of the California State University, vice, Raymond W. Holdsworth, Jr., term expired, term ending 03/01/19.

ANGELINA M. GALITEVA, has been a principal at New Energy Options since 2003 where she focused on advancing the integration of sustainable energy solutions. Previously, she served as the executive director of strategic planning for the Los Angeles Department of Water & Power from 1997 to 2003. Galiteva was a member of the core team responsible for the formation of the California Independent System Operator and the California Power Exchange from 1996 to 1997. She was also a power analyst for the New York Power Authority from 1994 to 1996. Galiteva is a founder of the Renewables 100 Policy Institute and a chair of the World Council for Renewable Energy where she is the coordinator for Renewable Energy City Initiatives. Appointed 04/29/11. Effective 05/16/11.

Member, Independent System Operator Governing Board, vice, Laura R. Doll, retired, term ending 12/31/13.



DIANNE HARRISON, Ph.D., is president of California State University, Monterey Bay, where she has served since 2006. At Florida State University, she was the vice president for academic quality and external programs from 2005 to 2006, associate vice president of academic affairs from 2000 to 2005, dean of graduate studies from 2001 to 2005, dean of the School of Social Work from 1994 to 2000 and she served in a variety of professorial roles from 1976 to 2006. Appointed 05/04/11. Effective 05/15/11.

Member, Western Interstate Commission for Higher Education, vice Roy Ashburn, term expired, term ending 10/12/14.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol

May 17, 2011

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective close of business May 17, 2011, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Hollis H. Gillingham

Commissioner, Board of Parole
Hearings

Sincerely,

EDMUND G. BROWN JR., Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol

May 17, 2011

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective close of business May 17, 2011, the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Lisa E. Miller-Strunk

Member, Contractors' State License
Board, Department of Consumer Affairs.

Eddie Lang, Jr.

Member, Contractors' State License
Board, Department of Consumer Affairs.

Sincerely,

EDMUND G. BROWN JR., Governor

Above transmitted to the Committee on Rules.



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 16, 2011

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

ACR 3

ACR 36

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:

Assembly Concurrent Resolution 3—Relative to Korean-American Day.

Assembly Concurrent Resolution 36—Relative to Asian and Pacific Islander American Heritage Month.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 771** was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Appropriations.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, May 9, 2011

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

SB 671

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

KEHOE, Chair

Above measure ordered to second reading.

Senate Chamber, May 12, 2011

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

SB 6	SB 427	SB 595	SB 744
SB 20	SB 488	SB 599	SB 771
SB 23	SB 505	SB 636	SB 779
SB 264	SB 506	SB 664	SB 836
SB 292	SB 507	SB 702	SB 844
SB 306	SB 510	SB 712	SB 929
SB 380	SB 533	SB 715	
SB 415	SB 541	SB 739	



Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

KEHOE, Chair

Above measures ordered to second reading.

Senate Chamber, May 17, 2011

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

SB 589

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

KEHOE, Chair

Above measure ordered to second reading.

Senate Chamber, May 12, 2011

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

SB 58	SB 607	SB 940	SB 948
SB 398	SB 674	SB 941	
SB 439	SB 870	SB 942	
SB 593	SB 935	SB 947	

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8 and placed on the Consent Calendar.

KEHOE, Chair

Above measures ordered to second reading.

Date of Hearing, May 16, 2011

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

SB 108	SB 513	SB 549	SB 757
SB 152	SB 539	SB 650	SB 813
SB 202	SB 542	SB 676	SB 846
SB 477	SB 543	SB 707	SB 903

Reports the same back with the recommendation: Do pass.

KEHOE, Chair

Above bills ordered to second reading.

Senate Chamber, May 12, 2011

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

SCR 26 SCR 28

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8 and placed on the Consent Calendar.

KEHOE, Chair

Above measures ordered to second reading.

Date of Hearing, May 16, 2011

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

SB 244

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

KEHOE, Chair

Above measure ordered to second reading.

Senate Chamber, May 17, 2011

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

SB 416 SB 428 SB 443 SB 449

SB 517 SB 538 SB 647 SB 897

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 416—An act to amend Section 14771 of the Government Code, relating to state government forms.

Bill read second time.

Senate Bill 428—An act to amend Sections 7480, 15202.1, and 70372 of the Government Code, to amend Sections 466, 633.8, 904.7, 992, 1181, 1203.01, 1203.4, 1203.4a, 1387, 1466, 11105.2, and 14314 of the Penal Code, to amend Section 10334 of the Public Contract Code, and to amend Sections 21203 and 21712 of the Vehicle Code, relating to public safety.

Bill read second time.

Senate Bill 443—An act relating to a veterans' memorial.

Bill read second time.

Senate Bill 449—An act to add and repeal Article 6 (commencing with Section 12485) of Chapter 5 of Part 2 of Division 3 of Title 2 of the Government Code, relating to state government.

Bill read second time.

Senate Bill 517—An act to amend Section 13975 of, and to add Section 13976.1 to, the Government Code, and to amend Sections 185020 and 185024 of the Public Utilities Code, relating to high-speed rail.

Bill read second time.



Senate Bill 538—An act to amend Sections 160, 2701, 2708, 2786, and 2798 of, and to add Sections 2786.2 and 2786.5 to, the Business and Professions Code, to amend Section 16310 of the Government Code, and to amend Section 830.3 of the Penal Code, relating to nursing, and making an appropriation therefor.

Bill read second time.

Senate Bill 647—An act to amend Sections 116.780, 116.820, 700.160, 2029.610, and 2029.620 of the Code of Civil Procedure, to amend Section 14502 of the Corporations Code, to amend Section 915.2 of the Government Code, to amend Section 7100 of the Health and Safety Code, to amend Sections 259, 2583, and 8250 of the Probate Code, to amend Section 19280 of the Revenue and Taxation Code, and to amend Section 903.47 of the Welfare and Institutions Code, relating to civil law.

Bill read second time.

Senate Bill 897—An act to add Section 1569.686 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read second time.

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

Senate Chamber, May 17, 2011

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

SB 233

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

KEHOE, Chair

Above measure ordered to second reading.

Senate Chamber, May 17, 2011

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

SB 121

SB 899

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 121—An act to amend Sections 48853, 56157, and 56342.1 of the Education Code, relating to pupils.

Bill read second time.



Senate Bill 899—An act to amend Section 4051 of the Food and Agricultural Code, relating to district agricultural associations.

Bill read second time.

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

Senate Chamber, May 17, 2011

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

SB 161

SB 468

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 161—An act to add and repeal Section 49414.7 of the Education Code, relating to pupil health.

Bill read second time.

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

Bill read second time.

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

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 221—An act to amend and repeal Section 116.221 of, and to add and repeal Section 116.224 of, the Code of Civil Procedure, relating to small claims court.

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 Rules.

Senate Bill 150—An act to amend Sections 1368 and 1373 of, and to add Section 1360.2 to, the Civil Code, relating to common interest developments.

Bill read second time.

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

Senate Bill 242—An act to add Part 2.7 (commencing with Section 60) to Division 1 of the Civil Code, relating to privacy.

Bill read second time.

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



Senate Bill 557—An act to add Title 5.3 (commencing with Section 13750) to Part 4 of the Penal Code, relating to family justice centers.

Bill read second time.

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

Senate Bill 592—An act to amend Sections 57402, 57405, 57406, and 57413 of, and to add Section 57415 to, the Food and Agricultural Code, relating to dairy cattle supply liens.

Bill read second time.

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

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.

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

Senate Bill 890—An act to add Title 1.6C.5 (commencing with Section 1788.50) to Part 4 of Division 3 of the Civil Code, and to amend Sections 700.010, 706.103, 706.104, 706.108, and 706.122 of, and to add Sections 581.5 to, the Code of Civil Procedure, relating to debt buyers.

Bill read second time.

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

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

Bill read second time.

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

Senate Bill 131—An act to amend Section 1774 of the Insurance Code, relating to insurance.

Bill read second time.

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



Senate Bill 63—An act to add Section 49416 to the Education Code, relating to pupil health.

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 932—An act to add Chapter 5.5 (commencing with Section 108670) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

Bill read second time.

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

Senate Bill 821—An act to add Article 3.5 (commencing with Section 35740) to Chapter 4 of Part 21 of Division 3 of Title 2 of the Education Code, relating to school district reorganization.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, engrossed, and placed on the Consent Calendar.

Senate Bill 314—An act to amend Section 107.4 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

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

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

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 686—An act to add Section 6377.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 336—An act to add and repeal Section 1257.10 of the Health and Safety Code, relating to health facilities.

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

Senate Bill 917—An act to amend Section 597 of, and to add Section 597.4 to, the Penal Code, relating to animals.

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

Senate Bill 458—An act to amend Section 580e of the Code of Civil Procedure, relating to mortgages, and declaring the urgency thereof, to take effect immediately.

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

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SB 914** was withdrawn from Committee and placed on second reading.

SENATE COMMITTEE ROLL CALLS

Committee on Appropriations

SB 108—Do pass

AYES (8)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, Runner, and Steinberg.

NOES (0)—None.

SB 136—Do pass as amended

AYES (9)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, Runner, Steinberg, and Walters.

NOES (0)—None.

SB 152—Do pass

AYES (6)—Senators Alquist, Kehoe, Lieu, Pavley, Price, and Steinberg.

NOES (1)—Senator Runner.

SB 202—Do pass

AYES (6)—Senators Alquist, Emmerson, Kehoe, Lieu, Price, and Steinberg.

NOES (1)—Senator Runner.

SB 244—Do pass as amended

AYES (6)—Senators Alquist, Kehoe, Lieu, Pavley, Price, and Steinberg.

NOES (3)—Senators Emmerson, Runner, and Walters.

SB 477—Do pass

AYES (6)—Senators Alquist, Kehoe, Lieu, Pavley, Price, and Steinberg.

NOES (3)—Senators Emmerson, Runner, and Walters.

SB 513—Do pass

AYES (9)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, Runner, Steinberg, and Walters.

NOES (0)—None.



SB 539—Do pass

AYES (9)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, Runner, Steinberg, and Walters.

NOES (0)—None.

SB 542—Do pass

AYES (9)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, Runner, Steinberg, and Walters.

NOES (0)—None.

SB 543—Do pass

AYES (9)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, Runner, Steinberg, and Walters.

NOES (0)—None.

SB 549—Do pass

AYES (8)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, Runner, and Steinberg.

NOES (0)—None.

SB 650—Do pass

AYES (9)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, Runner, Steinberg, and Walters.

NOES (0)—None.

SB 676—Do pass

AYES (6)—Senators Alquist, Kehoe, Lieu, Pavley, Price, and Steinberg.

NOES (3)—Senators Emmerson, Runner, and Walters.

SB 707—Do pass

AYES (9)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, Runner, Steinberg, and Walters.

NOES (0)—None.

SB 757—Do pass

AYES (6)—Senators Alquist, Kehoe, Lieu, Pavley, Price, and Steinberg.

NOES (2)—Senators Emmerson and Runner.

SB 813—Do pass

AYES (8)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, Runner, and Steinberg.

NOES (0)—None.

SB 846—Do pass

AYES (8)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, Runner, and Steinberg.

NOES (0)—None.



SB 903—Do pass

AYES (9)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, Runner, Steinberg, and Walters.

NOES (0)—None.

Date of Hearing: 5/16/2011

Kehoe (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Cannella, Lieu, and Yee.

The following Senators were granted leaves of absence for the day due to personal business: Senators Strickland and Wyland.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, May 18, 2011.

PAULA K. ROSSETTO, Minute Clerk

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