

## CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

---

---

# SENATE DAILY JOURNAL

SEVENTY-SIXTH LEGISLATIVE DAY

---

## IN SENATE

---

Senate Chamber, Sacramento  
Wednesday, May 18, 2011

The Senate met at 9 a.m.

Hon. S. Joseph Simitian, of the 11th 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, Blakeslee, Calderon, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee—35.

Quorum present.

*(NOTE: Senators Berryhill and Cannella will be excused this day on legislative business and Senators Evans, Rubio, and Wyland will be excused this day on personal business.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Appropriations

Date of Hearing, May 16, 2011

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

SB 136

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 was referred:

SB 943

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.

**Committee on Governance and Finance**

Date of Hearing, May 18, 2011

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

AB 184

Reports the same back with the recommendation: Do pass.

WOLK, Chair

Above bill ordered to second reading.

**Committee on Insurance**

Senate Chamber, May 18, 2011

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

SB 631

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 631**—An act to add Section 12926.15 to the Insurance Code, relating to insurance.

Bill read second time.

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

**Committee on Budget and Fiscal Review**

Date of Hearing, May 12, 2011

Mr. President: The Committee on Budget and Fiscal Review, to which were referred:

SB 14

SB 15

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

LENO, Chair

Above measures ordered to second reading.



**Committee on Rules**

State Capitol, May 18, 2011

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Anna M. Caballero                      Secretary, State and Consumer Services  
Agency (5-0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, May 18, 2011

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Charmaine Jefferson Johnson    Member, California Arts Council (5-0)  
William A. Turner                      Member, California Arts Council (5-0)

STEINBERG, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, May 18, 2011

Mr. President: The Senate Rules Committee has reauthorized the following select committees:

California-Mexico Cooperation (6)  
Correa (Chair)

Manufactured Homes and Communities (6)  
Correa (Chair)

STEINBERG, Chair

State Capitol, May 18, 2011

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Dayna A. Bochco of Santa Monica as a member to the California Coastal Commission for a term ending May 20, 2015.

Appointed the Honorable Stephen (Steve) H. Kinsey of Forest Knolls as a Local Government/North Central Coast member to the California Coastal Commission for a term ending May 20, 2015.

Appointed the Honorable Sarah G. Gurney of Sebastopol as a Local Government/North Central Coast member to the California Coastal Commission for a term ending May 20, 2015.

Reappointed Senator Elaine W. Alquist of Santa Clara as a member to the Alfred E. Alquist Seismic Safety Commission for a term ending May 15, 2015.



Reappointed Dean K. Saito of Phillips Ranch as a member to the Smog Check Inspection and Maintenance Review Committee for a term ending May 16, 2015.

STEINBERG, Chair

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

**Senate Bill 671**—An act to amend Section 8031 of, and to add Section 8024.8 to, the Business and Professions Code, relating to shorthand reporters.

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 6**—An act to amend Sections 10176 and 11345.4 of, and to add Sections 10177.3 and 11345.7 to, the Business and Professions Code, and to amend Section 1090.5 of the Civil Code, relating to real estate.

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

**Senate Bill 20**—An act to amend Section 114094 of the Health and Safety Code, relating to food facilities.

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

**Senate Bill 23**—An act to amend Section 25741.5 of the Public Resources Code, and to amend Sections 399.26 and 399.30 of the Public Utilities Code, relating to energy.

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

**Senate Bill 264**—An act to amend and repeal Section 115800 of the Health and Safety Code, relating to skateboard parks.

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

**Senate Bill 292**—An act to amend Section 66747 of the Education Code, relating to public postsecondary education.

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

**Senate Bill 306**—An act to repeal and add Section 5096.14 of the Business and Professions Code, relating to accountancy.

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

**Senate Bill 380**—An act to amend Section 2190 of the Business and Professions Code, relating to medicine.

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

**Senate Bill 415**—An act to amend Section 83115 of the Government Code, relating to the Political Reform Act of 1974.

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



**Senate Bill 427**—An act to amend Section 3479 of the Civil Code, and to amend Sections 30312, 30352, 30355, 30357, and 30362 of the Penal Code, relating to ammunition and firearms.

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

**Senate Bill 488**—An act to add Section 84305.7 to the Government Code, relating to the Political Reform Act of 1974.

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

**Senate Bill 505**—An act to amend Section 13007 of the Fish and Game Code, relating to fish.

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, ordered engrossed, and to third reading.

**Senate Bill 507**—An act to amend Sections 480, 480.1, 480.2, 482, and 483 of the Revenue and Taxation Code, relating to taxation.

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

**Senate Bill 510**—An act to amend Section 10165 of, and to add Section 10164 to, the Business and Professions Code, relating to real estate licensees.

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

**Senate Bill 533**—An act to amend Section 38505 of, and to add Section 38566 to, the Health and Safety Code, relating to air pollution.

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

**Senate Bill 541**—An act to add Section 40 to the Business and Professions Code, relating to profession and vocations, and declaring the urgency thereof, to take effect immediately.

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

**Senate Bill 595**—An act to amend Section 523 of the Harbors and Navigation Code, and to amend Section 6302.1 of, and to add Sections 6302.3, 6302.4, and 6302.5 to, the Public Resources Code, relating to tidelands and submerged lands.

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

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

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

**Senate Bill 636**—An act to amend Sections 6206.7, 6208, and 6215.7 of, and to add Sections 6208.1, 6208.2, and 6218.01 to, the Government Code, relating to personal information.

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



**Senate Bill 664**—An act to amend and renumber the headings of Division 1.1 (commencing with Section 4000), Division 1.2 (commencing with Section 4050), Division 1.3 (commencing with Section 4100), Division 1.5 (commencing with Section 4800), Division 1.6 (commencing with Section 4970), Division 1.7 (commencing with Section 4981), Division 1.8 (commencing with Section 4990), and Division 1.9 (commencing with Section 4995) of, to add Division 1.1 (commencing with Section 1000) and Division 1.2 (commencing with Section 2000) to, and to repeal and add Division 1 (commencing with Section 99) of, the Financial Code, relating to financial institutions.

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

**Senate Bill 702**—An act to amend Sections 30503, 30520, 31751.3, and 31760 of the Food and Agricultural Code, relating to dog licensing.

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

**Senate Bill 712**—An act to amend Sections 790.03, 10234.86, 11093, 11788, 11790, 11874, and 12352 of, and to add Section 923.6 to, the Insurance Code, relating to insurance.

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

**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, ordered engrossed, and to third reading.

**Senate Bill 739**—An act to amend and renumber Section 1760 of, to add a heading to Chapter 1 (commencing with Section 1720) of, and to add Chapter 2 (commencing with Section 1740) to, Part 2 of Division 6 of, the Harbors and Navigation Code, relating to ports.

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

**Senate Bill 744**—An act to amend Section 12531 of, and to add and repeal Chapter 17 (commencing with Section 13850) of Division 5 of, the Business and Professions Code, relating to water submeters.

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

**Senate Bill 771**—An act to amend Section 26003 of the Public Resources Code, relating to energy.

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

**Senate Bill 779**—An act to add Section 51220.7 to the Education Code, relating to pupil instruction.

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

**Senate Bill 836**—An act to add Section 399.24 to the Public Utilities Code, relating to energy.

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



**Senate Bill 844**—An act to amend Section 1250 of the Health and Safety Code, relating to health facilities.

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

**Senate Bill 929**—An act to amend Sections 27 315, 27315.3, and 27360 of the Vehicle Code, relating to vehicles.

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

**Senate Bill 589**—An act to amend Section 25218.8 of the Health and Safety Code, relating to hazardous waste.

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 58**—An act to amend Section 379.7 of the Public Utilities Code, relating to electricity.

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

**Senate Bill 398**—An act to amend Sections 7513.8, 7513.87, 82025.3, and 82047.3 of the Government Code, relating to retirement , and declaring the urgency thereof, to take effect immediately.

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

**Senate Bill 439**—An act to add Section 22365 to the Education Code, and to amend Section 89503 of, and to add Section 20154 to, the Government Code, relating to the Political Reform Act of 1974.

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

**Senate Bill 593**—An act to add Section 67051 to the Government Code, relating to the Tahoe Regional Planning Agency.

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

**Senate Bill 607**—An act to add Section 13170.3 to the Water Code, relating to water.

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

**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, ordered engrossed, and to Consent Calendar.

**Senate Bill 870**—An act to amend Sections 25217.5 of, and to repeal the heading of Chapter 6.5 (commencing with Section 25550) of Division 15 of, the Public Resources Code, relating to energy.

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

**Senate Bill 935**—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.

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

**Senate Bill 940**—An act to amend Sections 41329.59, 66026, 66747, 66902.5, 69511, 71093, and 87884 of, and to repeal Sections 52272, 66941, and 81706 of, the Education Code, and to amend Section 4709 of the Labor Code, relating to education.

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

**Senate Bill 941**—An act to amend Sections 44274.2, 44279.1, 44279.2, 44279.4, 44371, and 44372 of, to add Section 44399.1 to, and to repeal Sections 44279.5 and 44279.6 of, the Education Code, relating to teachers.

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

**Senate Bill 942**—An act to amend Sections 8206.1, 8208, 8236, 8278.3, 8279.7, 8286, 8484.9, 8802, 8803, 8807, 10601.5, 11800, 17250.40, 40081, 41327.1, 41327.2, 42127.8, 44265.2, 44280, 48005.45, 49701, 52055.720, 52055.730, 52055.760, 52055.770, 52128.5, 56030.5, 56337, 56363, 56441.11, 60855, and 60900 of, to repeal Sections 33126.2, 41329.59, and 53075 of, to repeal Article 3.8 (commencing with Section 32239.5) of Chapter 2 of Part 19 of Division 1 of Title 1 of, to repeal Article 3.5 (commencing with Section 52360) of Chapter 9 of Part 28 of Division 4 of Title 2 of, and to repeal Chapter 8.5 (commencing with Section 52250) of, Chapter 8.6 (commencing with Section 52270) of, and Chapter 16 (commencing with Section 53050) of Part 28 of, and to repeal Chapter 2 (commencing with Section 63050) of Part 35 of, Division 4 of Title 2 of, the Education Code, to amend Sections 42630, 71300, and 71301 of, and to repeal Section 42645 of, the Public Resources Code, and to amend Sections 4341.1, 4380, 5870, 18986.20, 18986.23, and 18986.24 of, and to repeal Sections 2102 and 18986.3 of, the Welfare and Institutions Code, relating to education.

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

**Senate Bill 947**—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.

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

**Senate Bill 948**—An act to amend Sections 408, 620, 2611.1, 2635, 2923, 3698.8, 4675, 4676, 4842, 4911, 5096, 5097.2, and 5150.5 of, and to add Section 36.5 to, the Revenue and Taxation Code, relating to taxation.

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

**Senate Bill 108**—An act to amend Sections 2727.1 and 2770 of the Public Resources Code, relating to surface mining.

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





**Senate Bill 152**—An act to repeal and add Section 6503.5 of the Public Resources Code, and to repeal Section 2 of Chapter 431 of the Statutes of 1977, relating to public lands.

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

**Senate Bill 202**—An act to amend Section 9001 of the Elections Code, relating to ballot initiatives.

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

**Senate Bill 477**—An act to amend Section 48260.5 of the Education Code, relating to pupils.

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

**Senate Bill 513**—An act to amend Sections 47021 and 47026 of, and to add and repeal Section 19227 of, the Food and Agricultural Code, relating to fees, and making an appropriation therefor.

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

**Senate Bill 539**—An act to amend Sections 2841, 2859, 2862, 2866, 2872.2, 2873, 2878.1, 2880, 2881, 2881.1, 2882, 2883, 4501, 4503, 4510.1, 4511, 4511.2, 4521.2, 4530, 4531, and 4532 of, and to repeal and amend Section 2847 of, the Business and Professions Code, relating to nursing.

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

**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, ordered engrossed, and to third reading.

**Senate Bill 543**—An act to amend Sections 144, 5510, 5517, 5552.5, 5600, 5620, 5621, 5622, 6710, 6714, 6763.1, 6797, 7000.5, 7011, 7200, 7215.6, 7885, 7886, 7887, 8710, 8800, 18602, 18613, and 18618 of the Business and Professions Code, relating to business and professions, and making an appropriation therefor.

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

**Senate Bill 549**—An act to amend Sections 27551 and 27552 of the Food and Agricultural Code, relating to eggs, and making an appropriation therefor.

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

**Senate Bill 650**—An act to add and repeal Sections 76001.5, 76002.1, 76003, and 76004 of, and to add and repeal Article 1.5 (commencing with Section 48810) of Chapter 5 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to the College Promise Partnership Act.

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

**Senate Bill 676**—An act to add Division 24 (commencing with Section 81000) to the Food and Agricultural Code, and to amend



Section 11018 of, and to add Section 11018.5 to, the Health and Safety Code, relating to industrial hemp.

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

**Senate Bill 707**—An act to amend Sections 6981 and 6988 of the Food and Agricultural Code, relating to agricultural special assessments, and making an appropriation therefor.

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

**Senate Bill 757**—An act to add Section 1367.30 to the Health and Safety Code, and to amend Section 10112.5 of the Insurance Code, relating to discrimination.

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

**Senate Bill 813**—An act to amend Section 66025.8 of the Education Code, relating to public postsecondary education.

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

**Senate Bill 846**—An act to amend Section 10004.5 of the Water Code, relating to water.

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

**Senate Bill 903**—An act to amend Section 7513.7 of the Government Code, relating to investments.

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

**Senate Concurrent Resolution 26**—Relative to the Vietnam Veterans Memorial Highway.

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

**Senate Concurrent Resolution 28**—Relative to the Correctional Officer Scott Williams Memorial Highway.

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

**Senate Bill 244**—An act to amend Sections 56425 and 56430 of, and to add Sections 56033.5 and 65302.10 to, the Government Code, relating to land use.

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 233**—An act to amend Section 1317.1 of the Health and Safety Code, relating to emergency services.

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 914**—An act to add Section 1542.5 to the Penal Code, relating to search warrants.

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

#### **MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SB 221** was withdrawn from Committee and placed on second reading;

**ACR 7** was withdrawn from Committee and placed on third reading.

#### **SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Monday, May 23, 2011:

SB 6	SB 712	SCR 10	SB 659
SB 264	SB 715	SCR 29	SB 841
SB 306	SB 844	SB 668	SB 110
SB 505	SB 108	SB 126	SB 217
SB 506	SB 539	SB 619	SB 426
SB 533	SB 650	SB 627	SB 713
SB 541	SB 813	SB 723	SB 314
SB 636	SB 846	SB 732	SB 458

#### **LEAVES OF ABSENCE FOR THE DAY**

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

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

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, May 19, 2011.

PAULA K. ROSSETTO, Minute Clerk