

## CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, June 7, 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, Berryhill, Blakeslee, Calderon, Cannella, Corbett, 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, and Wyland—38.

Quorum present.

*(NOTE: Senators Correa and Yee will be excused this day on legislative business.)*

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
June 7, 2011

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration, effective close of business June 7, 2011, the nomination of the following appointees



heretofore submitted and now before your honorable body for confirmation.

Glenn Robert Yokum  
Edward G. Prieto

Member, California Veterans Board  
Member, Corrections Standards Authority

Sincerely,

EDMUND G. BROWN JR., Governor

Above transmitted to the Committee on Rules.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Business, Professions and Economic Development**

Date of Hearing, June 6, 2011

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

AB 75

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

PRICE, Chair

Above measure re-referred to the Committee on Judiciary.

##### **Committee on Human Services**

Senate Chamber, June 7, 2011

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

AB 313

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**

**Assembly Bill 313**—An act to amend Section 1569.682 of, and to add Section 1569.336 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 measure ordered printed and re-referred to the committee.

##### **Committee on Business, Professions and Economic Development**

Date of Hearing, June 6, 2011

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

AB 397      AB 956      AB 1013      AB 1127

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

PRICE, Chair

Above measures re-referred to the Committee on Appropriations.



Date of Hearing, June 6, 2011

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

AB 1091

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 measure ordered to second reading.

Date of Hearing, June 6, 2011

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

AB 611

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

PRICE, Chair

Above measure re-referred to the Committee on Education.

**Committee on Public Safety**

Date of Hearing, June 7, 2011

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

AB 141

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

HANCOCK, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, June 7, 2011

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

AB 123

AB 144

AB 364

AB 568

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

HANCOCK, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 7, 2011

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

AB 142

AB 799

AB 1402

Reports the same back with the recommendation: Do pass.

HANCOCK, Chair

Above bills ordered to second reading.



**Committee on Governance and Finance**

Senate Chamber, June 7, 2011

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

AB 561

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**

**Assembly Bill 561**—An act to add Section 7.8 to the Ventura County Watershed Protection Act (Chapter 44 of the Fourth Extraordinary Session of the Statutes of 1944), relating to the Ventura County Watershed Protection District.

Bill read second time.

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

**Committee on Natural Resources and Water**

Senate Chamber, June 7, 2011

Mr. President: The Chair of the Committee on Natural Resources and Water, to which was referred:

AB 275

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

PAVLEY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 275**—An act to amend Section 7027.5 of the Business and Professions Code, and to add Part 2.4 (commencing with Section 10570) to Division 6 of the Water Code, relating to water.

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, June 7, 2011

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

AB 1424

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**

**Assembly Bill 1424**—An act to amend Sections 31, 476, and 7145.5 of, and to add Section 494.5 to, the Business and Professions Code, to add



Section 12419 to the Government Code, to add Section 10295.4 to the Public Contract Code, and to amend Section 19195 of, to add Sections 19265, 19377.5, and 19571 to, and to add Article 7 (commencing with Section 19291) to Chapter 5 of Part 10.2 of Division 2 of, 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 Public Safety**

Senate Chamber, June 7, 2011

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

AB 547

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**

**Assembly Bill 547**—An act to add Section 18573.5 to the Elections Code, relating to voting.

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, June 7, 2011

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

AB 354

AB 791

AB 1023

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

EVANS, Chair

Above measures ordered to second reading.

Date of Hearing, June 7, 2011

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

AB 454

AB 1305

Reports the same back with the recommendation: Do pass.

EVANS, Chair

Above bills ordered to second reading.

Date of Hearing, June 7, 2011

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

AB 312



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

EVANS, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, June 7, 2011

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

AB 458

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

EVANS, Chair

Above measure re-referred to the Committee on Appropriations.

### **Committee on Human Services**

Senate Chamber, June 7, 2011

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

AB 846

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**

**Assembly Bill 846**—An act to amend Section 10618.6 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 Transportation and Housing**

Senate Chamber, June 7, 2011

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

AB 462

AB 470

AB 475

AB 807

ACR 41

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**

**Assembly Bill 462**—An act to amend Section 44229 of the Health and Safety Code, relating to air pollution.

Bill read second time.



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

Bill read second time.

**Assembly Bill 475**—An act to amend Sections 22511 and 22511.5 of the Vehicle Code, relating to vehicles.

Bill read second time.

**Assembly Bill 807**—An act to amend Section 1808.1 of the Vehicle Code, relating to vehicles.

Bill read second time.

**Assembly Concurrent Resolution 41**—Relative to the CHP Officer Philip Dennis Ortiz Memorial Highway.

Resolution read second time.

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

**Committee on Business, Professions and Economic Development**

Senate Chamber, June 7, 2011

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

AB 619

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**

**Assembly Bill 619**—An act to amend Sections 4600, 4600.5, 4601, 4601.2, 4601.3, 4601.4, 4602, 4602.5, 4603, 4603.1, 4603.5, 4604, 4612, and 4615 of, and to add Sections 4603.7 and 4616 to, the Business and Professions Code, relating to massage therapy.

Bill read second time.

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

**Committee on Public Employment and Retirement**

Senate Chamber, June 7, 2011

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

AB 782

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

NEGRETE McLEOD, Chair



**Second Reading of Bills—Author's Amendments**

**Assembly Bill 782**—An act to amend Sections 20222.5 and 22797 of the Government Code, relating to public employee benefits.

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 measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Resolution 17:** By Senator Wright—Relative to Juneteenth Day celebrations.

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

**Senate Bill 653**—An act to amend Sections 17041.5, 30111, and 32010 of, to add Section 17041.6 to, and to add Chapter 3.53 (commencing with Section 7289), Chapter 3.54 (commencing with Section 7289.10), Chapter 3.55 (commencing with Section 7289.20), Chapter 3.56 (commencing with Section 7289.31), Chapter 3.57 (commencing with Section 7289.40), and Chapter 3.58 (commencing with Section 7289.50), to Part 1.7 of Division 2 of, the Revenue and Taxation Code, relating to local taxation, and making an appropriation therefor.

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

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 1020**—An act to repeal and add Section 12012.54 of the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 399** was withdrawn from the Committee on Business, Professions and Economic Development and re-referred to the Committee on Rules.

**SENATE COMMITTEE ROLL CALLS****Committee on Business, Professions and Economic Development**

**AB 75**—Do pass and re-refer to Committee on Judiciary

AYES (5)—Senators Corbett, Hernandez, Negrete McLeod, Price, and Vargas.

NOES (2)—Senators Emmerson and Wyland.

**AB 397**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Price, Vargas, and Wyland.

NOES (0)—None.





**AB 611—Do pass and re-refer to Committee on Education**

AYES (8)—Senators Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Price, Vargas, and Wyland.

NOES (0)—None.

**AB 956—Do pass and re-refer to Committee on Appropriations**

AYES (8)—Senators Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Price, Vargas, and Wyland.

NOES (0)—None.

**AB 1013—Do pass and re-refer to Committee on Appropriations**

AYES (8)—Senators Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Price, Vargas, and Wyland.

NOES (0)—None.

**AB 1091—Do pass as amended and re-refer to Committee on Appropriations**

AYES (8)—Senators Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Price, Vargas, and Wyland.

NOES (0)—None.

**AB 1127—Do pass and re-refer to Committee on Appropriations**

AYES (8)—Senators Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Price, Vargas, and Wyland.

NOES (0)—None.

**AB 1267—Do pass as amended and re-refer to Committee on Appropriations**

AYES (8)—Senators Corbett, Correa, Emmerson, Hernandez, Negrete McLeod, Price, Vargas, and Wyland.

NOES (0)—None.

Date of Hearing: 6/6/2011

Price (Chair)

**Committee on Judiciary****AB 312—Do pass and re-refer to Committee on Appropriations**

AYES (3)—Senators Corbett, Evans, and Leno.

NOES (2)—Senators Blakeslee and Harman.

**AB 354—Do pass, to Consent Calendar**

AYES (5)—Senators Blakeslee, Corbett, Evans, Harman, and Leno.

NOES (0)—None.

**AB 433—Do pass as amended**

AYES (4)—Senators Blakeslee, Corbett, Evans, and Leno.

NOES (1)—Senator Harman.

**AB 454—Do pass**

AYES (5)—Senators Blakeslee, Corbett, Evans, Harman, and Leno.

NOES (0)—None.



**AB 458**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Blakeslee, Corbett, Evans, Harman, and Leno.

NOES (0)—None.

**AB 791**—Do pass, to Consent Calendar

AYES (5)—Senators Blakeslee, Corbett, Evans, Harman, and Leno.

NOES (0)—None.

**AB 1023**—Do pass, to Consent Calendar

AYES (5)—Senators Blakeslee, Corbett, Evans, Harman, and Leno.

NOES (0)—None.

**AB 1133**—Do pass as amended

AYES (5)—Senators Blakeslee, Corbett, Evans, Harman, and Leno.

NOES (0)—None.

**AB 1305**—Do pass

AYES (5)—Senators Blakeslee, Corbett, Evans, Harman, and Leno.

NOES (0)—None.

Date of Hearing: 6/7/2011

Evans (Chair)

#### **Committee on Public Safety**

**AB 123**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Hancock, Harman, Liu, Price, and Steinberg.

NOES (1)—Senator Anderson.

**AB 141**—Do pass and re-refer to Committee on Judiciary

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

NOES (0)—None.

**AB 142**—Do pass

AYES (4)—Senators Hancock, Liu, Price, and Steinberg.

NOES (2)—Senators Anderson and Harman.

**AB 144**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Hancock, Liu, Price, and Steinberg.

NOES (2)—Senators Anderson and Harman.

**AB 177**—Do pass as amended

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

NOES (0)—None.

**AB 364**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Anderson, Hancock, Liu, Price, and Steinberg.

NOES (0)—None.

**AB 472**—Do pass as amended

AYES (4)—Senators Hancock, Liu, Price, and Steinberg.

NOES (2)—Senators Anderson and Harman.



**AB 568—Do pass and re-refer to Committee on Appropriations**

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

NOES (0)—None.

**AB 799—Do pass**

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

NOES (0)—None.

**AB 1402—Do pass**

AYES (5)—Senators Hancock, Harman, Liu, Price, and Steinberg.

NOES (1)—Senator Anderson.

Date of Hearing: 6/7/2011

Hancock (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

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

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until Wednesday, June 8, 2011 upon call of the President pro Tempore.

PAULA K. ROSSETTO, Minute Clerk

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