

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

NINETY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, June 13, 2011

The Senate met at 12 p.m.

Hon. Christine Kehoe, of the 39th 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

Upon invitation of the President, the following prayer was offered by Rev. Dr. Pamela Anderson, Countryside Community Church of Esparto:

There is a true story about a boy who was selling goods from door to door to help pay for his school supplies when he found a thin dime. He decided that he would ask for a meal at the next house, but when the woman answered the door he just asked for a glass of water. Instead of water, the woman returned with a large glass of milk. Years went by and the woman became sick, and her doctor took very good care of her. She was nervous to receive the bill, but when she opened it up, it said, "Paid in full with one glass of milk." Signed: Dr. Howard Kelly.

There's a saying that says: "Bread cast on the waters comes back to you. The good deed you do today may benefit you at the least expected time. If you never see the deed again at least you will have made the world a better place."

Let us pray:

Eternal God, We pray for our California Senators today. May they know that the good deeds they do today will ultimately benefit us all in the days and years to come. We pray for their deliberations, we pray for all Californians, may we have hope for a better day, and we pray for the bread that has been cast upon the waters.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Governance and Finance**

Date of Hearing, June 8, 2011

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

AB 798

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

WOLK, Chair

Above measure ordered to second reading.

Committee on Environmental Quality

Senate Chamber, June 13, 2011

Madam President: The Chair of the Committee on Environmental Quality, to which were referred:

AB 913

AB 955

AB 964

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

Assembly Bill 913—An act to amend Section 251244.17 of the Health and Safety Code, relating to hazardous waste.

Bill read second time.

Assembly Bill 955—An act to amend Section 13291 of the Water Code, relating to water quality.

Bill read second time.

Assembly Bill 964—An act to add Section 13481.6 to the Water Code, relating to water pollution.

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 ASSEMBLY BILLS**

Assembly Bill 472—An act to add Section 11376.5 to the Health and Safety Code, relating to controlled substances.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 103—An act to amend Sections 17053.33, 17053.34, 17053.45, 17053.46, 17053.47, 17053.70, 17053.74, 23101, 23612.2, 23622.7, 23622.8, 23633, 23634, 23645, 23646, and 25128 of, to amend, repeal, and add Section 25136 of, to add section 6377 to, to repeal section 25128.5 of, and to repeal and amend Sections 17053.80 and 23623 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution 45—Relative to Crime Victims' Rights Week.

Resolution read third time and presented by Senator Hancock.

Roll Call

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

AYES (33)—Senators Alquist, Anderson, Berryhill, Blakeslee, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lowenthal, Negrete McLeod, Padilla, Price, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



UNFINISHED BUSINESS**Consideration of Governor's Appointment**

Senator Steinberg placed the following Governor's appointment before the Senate:

JOSEPH K. LYOU PH.D., Member, South Coast Air Quality Management District Board.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (38)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

REQUEST TO BE ADDED TO ROLL CALL

June 13, 2011

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

ACR 45—Aye

DARRELL STEINBERG, President pro Tempore

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

At 12:18 p.m., on motion of Senator Steinberg, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Steinberg moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, June 14, 2011.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, June 13, 2011

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 318



And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, June 13, 2011

Madam President: The Chair of the Committee on Rules, to which was referred:

AB 1386

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

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1386—An act to amend Section 8283 of the Public Utilities Code, relating to women, minority, and disabled veteran business enterprise procurement.

Bill read second time.

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

Committee on Agriculture

Senate Chamber, June 13, 2011

Madam President: The Chair of the Committee on Agriculture, to which was referred:

AB 914

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

CANNELLA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 914—An act to add Section 77965 to the Food and Agricultural Code, relating to cut flowers.

Bill read second time.

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

Committee on Labor and Industrial Relations

Date of Hearing, June 8, 2011

Madam President: The Committee on Labor and Industrial Relations, to which were referred:

AB 274

AB 325



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

LIEU, Chair

Above measures ordered to second reading.

Committee on Governance and Finance

Senate Chamber, June 13, 2011

Madam President: The Chair of the Committee on Governance and Finance, to which were referred:

AB 654

AB 943

AB 966

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 654—An act to amend Sections 50281, 50281.1, 50282, 50284, and 50287 of the Government Code, relating to local government.

Bill read second time.

Assembly Bill 943—An act to amend Sections 22032 and 22034 of the Public Contract Code, relating to public contracts.

Bill read second time.

Assembly Bill 966—An act to add Section 9063.7 to the Health and Safety Code, relating to cemetery districts.

Bill read second time.

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

Committee on Transportation and Housing

Senate Chamber, June 13, 2011

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

SCR 25

AB 1097

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

DESAULNIER, Chair

Second Reading of Bills—Author's Amendments

Senate Concurrent Resolution 25—Relative to the California Highway Patrol Officer Thomas P. Coleman Memorial Highway.

Resolution read second time.



Assembly Bill 1097—An act to add Section 13985 to the Government Code, relating to transit.

Bill read second time.

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

Committee on Education

Date of Hearing, June 8, 2011

Madam President: The Committee on Education, to which was referred:

AB 180

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

LOWENTHAL, Chair

Above measure ordered to second reading.

Senate Chamber, June 13, 2011

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

AB 684

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

LOWENTHAL, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 684—An act to add Section 72036 to the Education Code, relating to community colleges.

Bill read second time.

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

Committee on Health

Date of Hearing, June 8, 2011

Madam President: The Committee on Health, to which was referred:

AB 300

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

HERNANDEZ, Chair

Above measure ordered to second reading.

Date of Hearing, June 8, 2011

Madam President: The Committee on Health, to which was referred:

AB 1394



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

HERNANDEZ, Chair

Above measure ordered to second reading.

Date of Hearing, June 8, 2011

Madam President: The Committee on Health, to which was referred:
AB 301

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 Rules

Senate Chamber, June 13, 2011

Madam President: The Chair of the Committee on Rules, to which was referred:

SB 807

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

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 807—An act to amend Section 1636 of the Military and Veterans Code, relating to the military.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 807 pursuant to Joint Rule 58.

SENATOR CORREA

Permission of Rules Committee

Senate Chamber, June 13, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 807.

STEINBERG, Chair

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 13, 2011

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

AB 683



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 683—An act to add Chapter 6.1 (commencing with Section 13710) to Part 3 of Division 9 of the Welfare and Institutions Code, relating to homeless persons.

Bill read second time.

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

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned until 11 a.m., Tuesday, June 14, 2011.

PAULA K. ROSSETTO, Minute Clerk

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