

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, July 5, 2011

The Senate met at 12 p.m.
Hon. Christine Kehoe, of the 39th District, presiding.
Chief Assistant Secretary Bernadette McNulty 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. Georgia Prescott, Center for Spiritual Awareness:

Please join me in turning our attention this morning to a Higher Power called by many names. Sometimes this Power is called *Our* Father to indicate that It does not favor one over another, but lifts all people up to feel the sunlight of the Spirit. We give thanks for members and staff of this Senate, for they too know the importance of lifting all Californians up to feel the favor of this great state. As legislation is discussed in these chambers let it be discussed with compassion, inclusion, and a deep respect for all sides of every issue. Divine Intelligence is in this house and we take pause to feel Its indwelling presence.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, July 1, 2011

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

ACR 62

ACR 63

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 62—Relative to Read Across California Month.

Assembly Concurrent Resolution 63—Relative to Veterans of the Republic of Vietnam Armed Forces Day.

REPORTS OF STANDING COMMITTEES**Committee on Natural Resources and Water**

Date of Hearing, June 28, 2011

Madam President: The Committee on Natural Resources and Water, to which was referred:

AB 1077

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

PAVLEY, Chair

Above measure ordered to second reading.



Date of Hearing, June 28, 2011

Madam President: The Committee on Natural Resources and Water, to which was referred:

ACR 55

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

PAVLEY, Chair

Above measure ordered to second reading.

Date of Hearing, June 28, 2011

Madam President: The Committee on Natural Resources and Water, to which was referred:

AB 787

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.

PAVLEY, Chair

Above measure ordered to second reading.

Committee on Appropriations

Senate Chamber, July 5, 2011

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

AB 325

AB 375

AB 1136

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

Assembly Bill 325—An act to add Section 230.5 to the Labor Code, relating to employee rights.

Bill read second time.

Assembly Bill 375—An act to add Section 3212.13 to the Labor Code, relating to workers' compensation.

Bill read second time.

Assembly Bill 1136—An act to add Section 6403.5 to the Labor Code, relating to employment safety.

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 1115—An act to add Section 14236 to the Unemployment Insurance Code, relating to workforce development.

Bill read second time.

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

Assembly Bill 862—An act to amend Section 4629.5 of the Welfare and Institutions Code, relating to developmental services.

Bill read second time.

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

Assembly Bill 959—An act to amend Section 11265.1 of the Welfare and Institutions Code, relating to public social services.

Bill read second time.

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

Assembly Bill 952—An act to add Section 185025 to the Public Utilities Code, relating to high-speed rail.

Bill read second time.

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

Assembly Bill 29—An act to amend Section 15570 of, to add Chapter 1.6 (commencing with Section 12096) to Part 2 of Division 3 of Title 2 of, and to repeal Article 7 (commencing with Section 65054) of Chapter 1.5 of Division 1 of Title 7 of, the Government Code, relating to economic development.

Bill read second time.

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

Assembly Bill 764—An act to add and repeal Article 10 (commencing with Section 18809) of Chapter 3 of Part 10.2 of Division 2 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, and re-referred to the Committee on Appropriations.



Assembly Bill 619—An act to amend Sections 4600, 4600.5, 4601, 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 and ordered to third reading.

Assembly Bill 332—An act to amend Section 368 of the Penal Code, relating to elder abuse.

Bill read second time and ordered to third reading.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Evans, SB 491 was withdrawn from Engrossing and Enrolling and returned to the Assembly for further action.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Concurrent Resolution 46—Relative to “Parks Make Life Better!” Month.

Resolution presented by Senator Wolk.

The question being: Shall the Senate concur in the Assembly amendments to SCR 46?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (33)—Senators Alquist, Anderson, Blakeslee, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Hancock, Harman, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Wyland.

NOES (0)—None.

Above resolution ordered enrolled.

Senator Price Presiding

Senate Joint Resolution 6—Relative to survivors of torture.

Resolution presented by Senator Kehoe.

The question being: Shall the Senate concur in the Assembly amendments to SJR 6?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, 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.

NOES (0)—None.

Above resolution ordered enrolled.

Senator Kehoe Presiding

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 455—An act to add Section 3507.7 to the Government Code, relating to public employment.

Bill read third time and presented by Senator Padilla.

Roll Call

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

AYES (23)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wright, and Yee.

NOES (14)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Gaines, Harman, Huff, La Malfa, Runner, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

Assembly Bill 1127—An act to amend Section 2234 of the Business and Professions Code, relating to medicine.

Bill read third time and presented by Senator Emmerson.

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, 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.

Assembly Bill 1267—An act to add Section 2236.2 to the Business and Professions Code, relating to medicine.

Bill read third time and presented by Senator Negrete McLeod.

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, 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.

Assembly Bill 1066—An act to amend Sections 14166.1, 14166.2, 14166.3, 14166.35, 14166.4, 14166.5, 14166.6, 14166.7, 14166.75, 14166.8, 14166.9, 14166.20, 14166.21, 14166.24, 14166.26, 14182, 14182.3, 14182.4, 15908, 15909.1, 15910, 15910.1, 15910.2, 15910.3, 15911, 15912, and 15914 of, to amend the heading of Part 3.6 (commencing with Section 15909) of Division 9 of, and to add Sections 14166.61, 14166.71, 14166.77, and 14182.45 to, the Welfare and Institutions Code, relating to public health care, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Hernandez.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (39)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, 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.

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, 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.

Assembly Bill 612—An act to amend Section 5544.2 of the Public Resources Code, relating to parks and recreation.

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, 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.

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

At 12:35 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 Wednesday, July 6, 2011.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, July 5, 2011

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

SB 48 SB 180 SB 445 SB 759

Above measures ordered enrolled.

Assembly Chamber, July 5, 2011

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

SB 209 SJR 3

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

Above measures ordered to unfinished business file.

Assembly Chamber, July 5, 2011

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 23 AB 426 AB 707 AB 807
AB 943 AB 1133 AB 1265

E. DOTSON WILSON, Chief Clerk of the Assembly



Assembly Chamber, July 5, 2011

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: The Assembly on this day withdrew AB 1391 and AB 1392 from Enrollment and pursuant to the instructions of the Assembly, I am herewith returning the bills to the Senate for further action.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measures ordered held at Desk.

Assembly Chamber, July 5, 2011

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 733 to the Senate for further action.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

REPORTS OF STANDING COMMITTEES
Committee on Natural Resources and Water

Date of Hearing, June 28, 2011

Madam President: The Committee on Natural Resources and Water, to which was referred:

AB 628

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

PAVLEY, Chair

Above measure ordered to second reading.

Committee on Education

Senate Chamber, July 5, 2011

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

AB 18

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 18—An act to add Sections 41055, 42238.01, and 42238.486 to, to add Article 5 (commencing with Section 42310) to Chapter 7 of Part 24 of Division 3 of Title 2 of, and to add and repeal Section 41054 of, the Education Code, relating to education finance.

Bill read second time.

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

Date of Hearing, June 29, 2011

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

AB 680

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

LOWENTHAL, Chair

Above measure ordered to second reading.

Date of Hearing, June 29, 2011

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

AB 160

AB 339

AB 790

AB 1056

AB 1156

AB 1330

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 measures ordered to second reading.

Committee on Rules

Senate Chamber, July 5, 2011

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

SB 195

SB 196

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 195—An act to amend Section 11502 of the Food and Agricultural Code, relating to pest control.

Bill read second time.



Senate Bill 196—An act to amend Section 434 of the Food and Agricultural Code, relating to state agriculture.

Bill read second time.

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

Committee on Governance and Finance

Date of Hearing, June 29, 2011

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

AB 624

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

WOLK, Chair

Above measure ordered to second reading.

Date of Hearing, June 29, 2011

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

AB 504

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

WOLK, Chair

Above measure ordered to second reading.

Date of Hearing, June 29, 2011

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

AJR 3

Reports the same back with the recommendation: Be adopted as amended.

WOLK, Chair

Above measure ordered to second reading.

Committee on Natural Resources and Water

Date of Hearing, June 28, 2011

Madam President: The Committee on Natural Resources and Water, to which was referred:

AB 1299

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

PAVLEY, Chair

Above measure ordered to second reading.



Committee on Appropriations

Senate Chamber, July 5, 2011

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

AB 420

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

Assembly Bill 420—An act to add Section 21003 to the Elections Code, relating to redistricting.

Bill read second time.

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

Committee on Elections and Constitutional Amendments

Date of Hearing, July 5, 2011

Madam President: The Committee on Elections and Constitutional Amendments, to which were referred:

AB 71

AB 684

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

CORREA, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Human Services

Senate Chamber, July 5, 2011

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

AB 1244

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 1244—An act to amend Sections 4677 and 4678 of, repeal Section 4685.7 of, and to add Article 4.5 (commencing with Section 4689.90) to Chapter 6 of Division 4.5 of, the Welfare and Institutions Code, relating to developmental services.

Bill read second time.

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



Committee on Appropriations

Senate Chamber, July 5, 2011

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

AB 1128

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

Assembly Bill 1128—An act to amend Section 35700.5 of the Vehicle Code, relating to vehicles.

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 MEASURE

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

Senate Joint Resolution 10: By Senators De León (Coauthors: Senators Hancock, Hernandez, Padilla, and Vargas) (Coauthors: Assembly Members Alejo, Allen, Bonilla, Bradford, Cedillo, Davis, Eng, Roger Hernández, Hueso, Lara, Mendoza, Perea, V. Manuel Pérez, Solorio, and Torres)—Relative to firearms trafficking.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 124** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill 571—An act to amend Sections 500, 506, and 509 of, to repeal Sections 502 and 507 of, and to repeal and add Section 503 of, the Corporations Code, relating to corporations.

Bill read third time.

Amendments Adopted

Amendments to AB 571 proposed by Senator Walters were read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS**Committee on Agriculture**

AB 292—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Cannella, Rubio, Vargas, and Wolk.

NOES (1)—Senator La Malfa.

Date of Hearing: 7/5/2011

Cannella (Chair)



Committee on Elections and Constitutional Amendments

AB 65—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Correa, De León, La Malfa, and Lieu.

NOES (1)—Senator Gaines.

AB 71—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Correa, De León, Gaines, La Malfa, and Lieu.

NOES (0)—None.

AB 684—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Correa, De León, Gaines, and Lieu.

NOES (0)—None.

Date of Hearing: 7/5/2011

Correa (Chair)

Committee on Human Services

AB 823—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Hancock, Liu, Wright, and Yee.

NOES (3)—Senators Berryhill, Emmerson, and Strickland.

AB 1244—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Hancock, Liu, and Yee.

NOES (3)—Senators Berryhill, Emmerson, and Strickland.

Failed passage

AB 1244—Reconsideration granted

AYES (7)—Senators Berryhill, Emmerson, Hancock, Liu, Strickland, Wright, and Yee.

NOES (0)—None.

Date of Hearing: 7/5/2011

Liu (Chair)

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned until 9 a.m., Wednesday, July 6, 2011.

PAULA K. ROSSETTO, Minute Clerk

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