

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, January 19, 2012

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.

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, 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, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee—37.
Quorum present.

(NOTE: Senator Berryhill will be excused this day on personal business and Senators Calderon and Runner will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

We live in a fast paced world, offering a constant barrage of challenges.

H.G. Wells once advised: “Adapt or perish, now as ever, is Nature’s inexorable imperative.”

“Adapt” does not mean that we need to create something completely anew, rather it means that we can revisit past decisions while we address the future with daring new ideas.

“Adapt or perish”—What is demanded of us is action. Nature requires us to respond to the world that confronts us with creative thinking, and at times the physical stamina to endure the long hours of work that are often required until a solution is found.

May the Holy One of Blessing grant us the ability to see our challenges as opportunities, and to look at old situations with fresh eyes and new ideas. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Harman moved that **SB 592** be taken from the inactive file and placed on the second reading file.

Motion carried.

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

Senate Bill 730—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.

THIRD READING OF SENATE BILLS

Senate Bill 12—An act to amend Sections 22901, 22903, 22903.2, 22905, 22906, 22924, 24044.5, and 24045.5 of the Business and Professions Code, to amend Section 485.010 of the Code of Civil Procedure, to amend Section 2403 of, and to repeal Division 6 (commencing with Section 6101) of, the Commercial Code, and to amend Section 2953.1 of the Revenue and Taxation Code, relating to bulk sales.

Bill read third time and presented by Senator Corbett.

Roll Call

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

AYES (34)—Senators Alquist, Anderson, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete



McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Wyland.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 804—An act to amend Section 32121 of the Health and Safety Code, relating to health care districts.

Bill read third time and presented by Senator Corbett.

Roll Call

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

AYES (22)—Senators Alquist, Corbett, Correa, De León, DeSaulnier, Evans, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, and Wright.

NOES (13)—Senators Anderson, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

Senate Bill 149—An act to amend Section 18506 of the Health and Safety Code, relating to mobilehomes.

Bill read third time and presented by Senator Correa.

Roll Call

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

AYES (31)—Senators Alquist, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Fuller, Gaines, Hancock, Harman, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, and Wyland.

NOES (3)—Senators Anderson, La Malfa, and Walters.

Bill ordered transmitted to the Assembly.

Senate Bill 825—An act to amend Section 512 of the Public Resources Code, relating to state parks and recreation.

Bill read third time and presented by Senator Corbett.

Roll Call

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

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

NOES (9)—Senators Anderson, Blakeslee, Dutton, Emmerson, Harman, Huff, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.



Senate Bill 875—An act to amend Section 10100 of, and to repeal Section 10154 of, the Business and Professions Code, relating to real estate.

Bill read third time and presented by Senator Price.

Roll Call

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

AYES (37)—Senators Alquist, Anderson, 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, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 172—An act to amend Sections 48352 and 48354 of the Education Code, relating to school districts.

Bill read third time and presented by Senator Huff.

Roll Call

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

AYES (35)—Senators Alquist, Anderson, Blakeslee, Cannella, Corbett, Correa, DeSaulnier, Dutton, Emmerson, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 630—An act to add Section 1317.10 to the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alquist.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (36)—Senators Alquist, Anderson, Blakeslee, Cannella, 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, Rubio, 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 (36)—Senators Alquist, Anderson, Blakeslee, Cannella, 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, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF GOVERNOR'S VETOES

Consideration of Senate Bill 356

Senate Bill 356—An act to add Section 5080.43 to the Public Resources Code, relating to state parks, and making an appropriation therefor.

Bill read and presented by Senator Blakeslee.

The President put the question: Shall Senate Bill 356 become a law notwithstanding the objection of the Governor?

Roll Call

The roll was called and the Governor's veto of Senate Bill 356 was sustained by the following vote:

AYES (13)—Senators Anderson, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Strickland, Walters, and Wyland.

NOES (22)—Senators Alquist, Corbett, Correa, De León, DeSaulnier, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Steinberg, Vargas, Wolk, Wright, and Yee.

Motion to Reconsider (SB 356)

Senator Blakeslee moved to reconsider the vote whereby the Governor's veto of SB 356 was sustained.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (36)—Senators Alquist, Anderson, Blakeslee, Cannella, 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, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above measure ordered returned to unfinished business.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1413—An act to amend Sections 13, 334, 359.5, 2151, 2154, 2155, 3006, 3007.5, 3205, 7100, 8002.5, 8025, 8040, 8041, 8062, 8068, 8106, 8121, 8124, 8141.5, 8142, 8148, 8300, 8600, 8606, 8803, 8805, 8807, 9083.5, 10704, 10706, 12108, 13105, 13107, 13206, 13207, 13212, 13230, 13300, 13302, 15340, 15402, and 19301 of, to add Section 13206.5 to, and to repeal Sections 325 and 9084.5 of, the Elections Code,



and to amend Sections 85312 and 85703 of the Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Correa.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (36)—Senators Alquist, Anderson, Blakeslee, Cannella, 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, Rubio, 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 (36)—Senators Alquist, Anderson, Blakeslee, Cannella, 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, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to personal business: Senator Berryhill.

The following Senators were granted leaves of absence for the day due to illness: Senators Calderon and Runner.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 10:32 a.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 Monday, January 23, 2012.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 19, 2012

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

AB 1253

E. DOTSON WILSON, Chief Clerk of the Assembly



FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules for assignment:

Assembly Bill 1253—An act to amend Section 29064 of the Government Code, relating to counties.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, January 18, 2012

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

Michel P. Florio, Member, Public Utilities Commission (5-0)

STEINBERG, Chair

State Capitol, January 18, 2012

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:

Catherine J. Sandoval, Member, Public Utilities Commission (5-0)

STEINBERG, Chair

State Capitol, January 18, 2012

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:

James N. Earp, Member, California Transportation Commission (5-0)

Carl T. Guardino, Member, California Transportation Commission (5-0)

STEINBERG, Chair

State Capitol, January 18, 2012

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

Reappointed Coby King of West Hills as a member to the Consumer Motor Vehicle Recovery Corporation, Board of Directors for a term ending January 1, 2014.

Appointed Van T. Vu of West Sacramento as a parent or public member to the Statewide Pupil Assessment Review Panel for a term ending January 18, 2014.

Reappointed James C. Ghielmetti of San Francisco as a member to the California Transportation Commission for a term ending January 1, 2016.

STEINBERG, Chair



Committee on Appropriations

Date of Hearing, January 19, 2012

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

SB 31	SB 259	SB 455	SB 764
SB 114	SB 289	SB 654	SB 789
SB 122	SB 352	SB 677	SB 803
SB 210	SB 359	SB 690	SB 878

Reports the same back with the recommendation: Do pass.

KEHOE, Chair

Above bills ordered to second reading.

Date of Hearing, January 19, 2012

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

SB 135	SB 810
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Reports the same back with the recommendation: Do pass as amended.

KEHOE, Chair

Above measures ordered to second reading.

Committee on Transportation and Housing

Senate Chamber, January 19, 2012

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

AB 610

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 610—An act to add and repeal Section 5156.5 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

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 measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Bill 973: By Senator Vargas (Coauthor: Assembly Member Garrick)—An act to add Section 21080.34 to the Public Resources Code, relating to environmental quality.



Senate Bill 974: By Senator Evans (Coauthors: Assembly Members Blumenfield and V. Manuel Pérez)—An act to add Section 5080.45 to the Public Resources Code, relating to state parks.

Senate Bill 975: By Senator Wright—An act to add Section 101.2 to the Business and Professions Code, relating to professions and vocations.

Senate Bill 976: By Senator Vargas—An act to amend Section 22050 of the Financial Code, relating to finance lenders.

SENATE COMMITTEE ROLL CALLS
Committee on Appropriations

SB 31—Do pass

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

NOES (0)—None.

SB 114—Do pass

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

NOES (2)—Senators Emmerson and Walters.

SB 122—Do pass

AYES (7)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, and Steinberg.

NOES (0)—None.

SB 135—Do pass as amended

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

NOES (0)—None.

SB 200—Do pass as amended

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

NOES (0)—None.

SB 210—Do pass

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

NOES (2)—Senators Emmerson and Walters.

SB 259—Do pass

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

NOES (2)—Senators Emmerson and Walters.

SB 289—Do pass

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

NOES (2)—Senators Emmerson and Walters.

SB 331—Do pass

AYES (4)—Senators Alquist, Kehoe, Pavley, and Steinberg.

NOES (2)—Senators Emmerson and Walters.

Failed Passage



SB 352—Do pass

AYES (7)—Senators Emmerson, Kehoe, Lieu, Pavley, Price, Steinberg and Walters.

NOES (1)—Senator Alquist.

SB 359—Do pass

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

NOES (0)—None.

SB 455—Do pass

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

NOES (0)—None.

SB 654—Do pass

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

NOES (0)—None.

SB 677—Do pass

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

NOES (2)—Senators Emmerson and Walters.

SB 690—Do pass

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

NOES (2)—Senators Emmerson and Walters.

SB 694—Do pass as amended

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

NOES (0)—None.

SB 764—Do pass

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

NOES (2)—Senators Emmerson and Walters.

SB 789—Do pass

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

NOES (2)—Senators Emmerson and Walters.

SB 803—Do pass

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

NOES (2)—Senators Emmerson and Walters.

SB 810—Do pass as amended

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

NOES (2)—Senators Emmerson and Walters.

SB 878—Do pass

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

NOES (2)—Senators Emmerson and Walters.



AB 272—Do pass as amended

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

NOES (2)—Senators Emmerson and Walters.

Date of Hearing: 1/19/2012

Kehoe (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Correa requested that when the Senate adjourns this day it do so in memory of Benjamin Lee Harper, M.D.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Scott Kennedy of Santa Cruz.

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of Robert A. (Bob) Walker and Lyle J. Buscher of Sacramento and Walter (Don) Mathes of Wilton.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, January 23, 2012.

PAULA K. ROSSETTO, Minute Clerk

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