

## CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED FORTY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, February 2, 2012

The Senate met at 10 a.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, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee—38.

Quorum present.

*(NOTE: Senator Liu will be excused this day on personal business and Senator Runner will be excused this day due to illness.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

The 20th century theologian, Abraham Joshua Heshel once said: “When I was a young man I used to value clever people. But now that I am an old man, I value kind people.”

So often the skills that get us where we desire to be are not the same thing that makes us of value as human beings. When we are younger we measure success by grades, by social status, by the size of an office or staff. But as we get older, if we are truly wise, we learn that success is measured by the type of life we live, the quality of interactions with those around us.

May it be the will of the Creator that our words always be kind, our hearts compassionate, and our actions wise.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 2, 2012

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

SB 81

SB 95

SB 98

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measures ordered to unfinished business file.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **SCR 60** was withdrawn from Committee and placed on today's Special Consent Calendar.

**RE-REFERENCE TO COMMITTEE**

Pursuant to Senate Rule 29.10, **SB 81**, **SB 95**, and **SB 98** were re-referred to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, February 1, 2012

Madam President: The Senate Rules Committee has authorized the following:

**NEW SELECT COMMITTEE**

Select Committee on English Learners (7)

Senator Padilla (Chair), Senators Emmerson, Fuller, Liu, Lowenthal, Rubio, and Yee.



**SELECT COMMITTEE APPOINTMENT(S)**Bay Area Transportation

Senators Alquist, Corbett, DeSaulnier, Hancock, and Simitian

Renewable Energy

Senators Hancock, Kehoe, Lowenthal, Padilla, Pavley, Simitian, and Strickland

**COMMITTEE SCHEDULE CHANGE**

Budget and Fiscal Review Subcommittee #2 on Resources, Environmental Protection, Energy, and Transportation will meet Wednesdays at 2:30 p.m., or upon adjournment of the Rules Committee.

STEINBERG, Chair

**Committee on Veterans Affairs**

Senate Chamber, February 1, 2012

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

SB 546

SB 812

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

CORREA, Chair

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

Senate Chamber, February 1, 2012

Madam President: The Chair of the Committee on Business, Professions and Economic Development, to which were referred:

SB 498

SB 544

SB 667

SB 692

SB 697

SB 828

SB 886

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

PRICE, Chair

**Committee on Rules**

State Capitol, February 2, 2012

Madam President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote 4–0, has referred SB 81, SB 95, and 98 to the Budget and Fiscal Review Committee.

STEINBERG, Chair



**Committee on Budget and Fiscal Review**

Date of Hearing, February 2, 2012

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

SB 81

SB 95

SB 98

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

LENO, Chair

Above measures ordered to unfinished business.

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS****Consideration of Assembly Amendments**

**Senate Bill 81**—An act to amend Sections 2558.46 and 42238.146 of the Education Code, and to amend Section 57 of Chapter 7 of the Statutes of 2011, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 81?

**Roll Call**

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

AYES (26)—Senators Alquist, Anderson, Calderon, Cannella, Corbett, De León, DeSaulnier, Evans, Fuller, Gaines, Hancock, Hernandez, Kehoe, La Malfa, Leno, Lowenthal, Negrete McLeod, Padilla, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (8)—Senators Berryhill, Blakeslee, Correa, Dutton, Harman, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

**Senate Bill 95**—An act to amend Sections 16310 and 16429 of, and to add Section 16312.1 to, the Government Code, to amend Sections 7104.2 and 8351 of the Revenue and Taxation Code, and to amend Sections 181, 182, 2100, 2101, 2103, 2104, 2104.1, 2105, 2106, 2107, 2107.5, 2107.6, 2108, 2110, and 2110.5 of the Streets and Highways Code, relating to state cash resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 95?



**Roll Call**

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

AYES (24)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

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

Above bill ordered enrolled.

**Senate Bill 98**—An act to amend Sections 130, 2702, and 2703 of, and to add and repeal Sections 2701 and 2708 of, the Business and Professions Code, relating to healing arts, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 98?

**Roll Call**

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

AYES (28)—Senators Alquist, Anderson, Calderon, Corbett, Correa, De León, DeSaulnier, Emmerson, Evans, Hancock, Harman, Hernandez, Kehoe, Leno, Lieu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, Wyland, and Yee.

NOES (5)—Senators Berryhill, Blakeslee, Gaines, Huff, and Walters.

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS**

**Senate Joint Resolution 10**—Relative to firearms trafficking.

Resolution read third time and presented by Senator De León.

**Roll Call**

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

AYES (21)—Senators Alquist, Calderon, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Simitian, Steinberg, Vargas, Wolk, and Yee.

NOES (15)—Senators Anderson, Berryhill, Blakeslee, Cannella, Correa, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Strickland, Walters, and Wyland.

Resolution ordered transmitted to the Assembly.



**SPECIAL CONSENT CALENDAR**

**Senate Concurrent Resolution 60**—Relative to California Teen Safe Driving Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

**Special Consent Calendar Roll Call**

The roll was called and the above measures on the Special Consent Calendar passed by the following vote:

AYES (38)—Senators 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, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

**REQUEST TO BE ADDED TO ROLL CALL**

February 2, 2012

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

SCR 60—Aye SB 98—No

BOB HUFF, Minority Floor Leader

**LEAVES OF ABSENCE FOR THE DAY**

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

The following Senator was granted leave of absence for the day due to illness: Senator Runner.

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

At 12:05 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 Monday, February 6, 2012.

Motion carried.



**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 1, 2012

Madam President: I am directed to inform your honorable body that the Assembly returns without further action:

SB 134

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure returned to the Senate.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, February 1, 2012

The Committee on Rules has referred the following measures to committee:

**Banking and Financial Institutions**—SB 976, SB 978, SB 979.

**Business, Professions and Economic Development**—SB 969.

**Education**—SB 952, SB 958, SB 959, SB 960, SB 967, AB 1199.

**Elections and Constitutional Amendments**—SCA 16.

**Energy, Utilities and Communications**—SB 971, SB 981.

**Environmental Quality**—SB 962, SB 964, SB 965, SB 972, SB 973.

**Governance and Finance**—SB 949, SB 950, SB 954, AB 1126, AB 1253.

**Governmental Organization**—SB 953.

**Health**—SB 961, SB 970, AB 43.

**Judiciary**—SB 966, AB 1165, AB 1337, AB 1354.

**Natural Resources and Water**—SB 974.

**Public Employment and Retirement**—SB 955, SB 977.

**Public Safety**—SB 968, AB 801.

**Rules**—SB 951, SB 963, AB 1405.

**Transportation and Housing**—AB 482, AB 1047.

The Committee on Rules has re-referred the following measures to committee:

**Environmental Quality**—AB 1180.

**Governance and Finance**—AB 472, AB 1050.

**Health**—AB 916.



**Public Safety**—AB 324, AB 391.

**Transportation and Housing**—SCR 50, SCR 57.

The Committee on Rules has referred the following measures to two committees:

**Banking and Financial Institutions** and **Judiciary**—SB 956, SB 980, SB 982.

**Budget and Fiscal Review** and **Elections and Constitutional Amendments**—SCA 14.

**Business, Professions and Economic Development** and **Rules**—SB 975.

**Governance and Finance** and **Elections and Constitutional Amendments**—SCA 15.

The Committee on Rules has re-referred the following measures to two committees:

**Education** and **Governance and Finance**—AB 794.

**Health** and **Rules**—AB 1301.

**Judiciary** and **Rules**—AB 1129.

#### **MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol

February 2, 2012

*To the Members of the California Senate:*

Senate Bill 95, in my opinion, constitutes an emergency bill within the meaning of that term as used in Section 12 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill 95 as an emergency measure.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered transmitted to the Governor.

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

##### **Committee on Rules**

Senate Chamber, February 2, 2012

Madam President: The Committee on Rules has examined:

SB 81

SB 95

SB 98

And reports that the same have been correctly enrolled, and presented to the Governor on the 2nd day of February, 2012, at 12:30 p.m.

STEINBERG, Chair





**Committee on Elections and Constitutional Amendments**

Senate Chamber, January 31, 2012

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

SB 109

SB 304

SB 802

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

CORREA, Chair

**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 993:** By Senator De León (Coauthors: Assembly Members Cedillo and Mendoza)—An act to add Section 51221.6 to the Education Code, relating to school curriculum.

**Senate Bill 994:** By Senator Vargas—An act relating to pupil instruction.

**Senate Bill 995:** By the Committee on Public Employment and Retirement (Senators Negrete McLeod (Chair), Gaines, Padilla, Vargas, and Walters)—An act to amend Section 22508.5 of the Education Code, relating to the State Teachers' Retirement System.

**Senate Concurrent Resolution 62:** By Senator Steinberg—Relative to Spay/Neuter Awareness Month.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **SCR 61** was withdrawn from the Committee on Rules and placed on the third reading file.

**STRIKE FROM FILE**

Without objection, **SB 278**, **SB 759**, **SB 168**, **SB 582**, and **SB 627** were stricken from the file.

Governor's vetoes sustained.

**SENATE COMMITTEE ROLL CALLS****Committee on Budget and Fiscal Review**

**SB 81**—That the Assembly amendments be concurred in

AYES (12)—Senators Alquist, Anderson, DeSaulnier, Evans, Fuller, La Malfa, Leno, Lowenthal, Negrete McLeod, Simitian, Wolk, and Wright.

NOES (0)—None.

**SB 95**—That the Assembly amendments be concurred in

AYES (10)—Senators Alquist, DeSaulnier, Evans, Hancock, Leno, Lowenthal, Negrete McLeod, Simitian, Wolk, and Wright.

NOES (5)—Senators Anderson, Emmerson, Fuller, Huff, and La Malfa.



**SB 98**—That the Assembly amendments be concurred in

AYES (10)—Senators Alquist, DeSaulnier, Evans, Hancock, Leno, Lowenthal, Negrete McLeod, Simitian, Wolk, and Wright.

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

Date of Hearing: 2/2/2012

Leno (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Calderon requested that when the Senate adjourns this day it do so in memory of Josephine A. DeAguero of Montebello.

Senator Emmerson requested that when the Senate adjourns this day it do so in memory of Mel Lowe of Hemet.

Senator La Malfa requested that when the Senate adjourns this day it do so in memory of Donald Ellert Olson, Sr. of Crescent City.

Senator Leno requested that when the Senate adjourns this day it do so in memory of Lawrence Goldberg of San Francisco.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Hannah Scher of Palo Alto.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, February 6, 2012.

PAULA K. ROSSETTO, Minute Clerk

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