

## CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-FOURTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, February 15, 2012

The Senate met at 9 a.m.

Hon. Mimi Walters, of the 33rd 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, 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, Vargas, Walters, Wolk, Wright, and Wyland—35.

Quorum present.

*(NOTE: Senators Corbett, Correa, and Yee will be excused this day on legislative business, Senator Strickland will be excused this day on personal business, and Senator Runner will be excused this day due to illness.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Natural Resources and Water

Senate Chamber, February 15, 2012

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

AB 484

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 484**—An act to amend Section 65965 of the Government Code, relating to land use.

Bill read second time.

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

**Committee on Rules**

State Capitol, February 15, 2012

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

**STANDING COMMITTEE MEMBERSHIP CHANGES**

Reduced the membership of the Appropriations Committee from 9 to 7 members, removed Senators Pavley and Runner, and appointed Senator Dutton as a member to replace Senator Emmerson

Appointed Senator Gaines as a member to the Budget and Fiscal Review Committee and the Budget and Fiscal Review Subcommittee No. 1 on Education to replace Senator Huff

Appointed Senator Strickland as a member to the Business, Professions and Economic Development Committee to replace Senator Walters

Increased the membership of the Energy, Utilities and Communications Committee from 11 to 13 members and appointed Senators Emmerson and Kehoe as members of the committee

Appointed Senator Dutton as Vice Chair to the Governance and Finance Committee to replace Senator Huff

Appointed Senator Walters as a member to the Governmental Organization Committee to replace Senator Strickland

Appointed Senator Harman as Vice Chair to the Health Committee to replace Senator Strickland

Appointed Senator Wyland as a member to the Transportation and Housing Committee to replace Senator Huff

**COMMITTEE ON LEGISLATIVE ETHICS APPOINTMENTS**

Appointed Senators Corbett, Gaines, and Harman as members to the Legislative Ethics Committee to fill the existing vacancies

**NEW SELECT COMMITTEE**

Breast Cancer Awareness and Detection (6)

Senators Simitian (Chair), Alquist, De León, Negrete McLeod, Runner, and Strickland

**ELIMINATE SELECT COMMITTEE**

Delta Conservation, Conveyance, and Governance

**JOINT COMMITTEE MEMBERSHIP CHANGE**

Appointed Senator Dutton as the Vice-Chair to the Joint Committee on Rules to replace Senator Harman who will remain on the committee as a member

STEINBERG, 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 1086:** By Senator Dutton—An act to add Section 6012.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 1087:** By Senator Walters—An act to amend Section 8484.3 of the Education Code, and to amend Sections 1596.793 and 18897 of, and to add Section 18897.8 to, the Health and Safety Code, relating to organized camps.

**Senate Bill 1088:** By Senator Price—An act to amend Sections 48645.5 and 48916 of the Education Code, relating to pupils.

**Senate Bill 1089:** By Senator Liu (Principal coauthor: Assembly Member Portantino)—An act to amend Section 1502 of the Health and Safety Code, relating to community care facilities.

**Senate Bill 1090:** By the Committee on Governance and Finance (Senators Wolk (Chair), DeSaulnier, Fuller, Hancock, Hernandez, Huff, Kehoe, La Malfa, and Liu)—An act to amend Section 40471 of the Government Code, and to amend Sections 36622, 36629, and 36671 of the Streets and Highways Code, relating to local government.

**Senate Bill 1091:** By Senators Pavley and Lieu—An act to amend Section 868.5 of the Penal Code, relating to witness testimony.

**Senate Bill 1092:** By Senator De León—An act to amend Section 34510.5 of the Vehicle Code, relating to vehicles.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **SR 25** was withdrawn from Committee and ordered placed on third reading.

**UNANIMOUS CONSENT GRANTED  
TO RESCIND ACTION (AB 41)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 41 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

**Consideration of Assembly Bill 41**

**Assembly Bill 41**—An act to amend Section 87200 of the Government Code, and to add Chapter 4 (commencing with Section 185040) to Division 19.5 of the Public Utilities Code, relating to conflicts of interest.

Bill read.

**Motion to Amend**

Amendments to AB 41 proposed by Senator Lowenthal were read and adopted and the measure ordered printed and to second reading.



**LETTERS OF TRANSMITTAL**

The following transmittals were ordered printed in the Journal:

An agency report dated: January 6, 2012, relating to the Fundraising Effectiveness and Regulation of Remote Caller Bingo, was received from the Gambling Control Commission and transmitted to the Committee on Health.

A supplemental report dated: January 12, 2012, relating to the LAO 2010–11 Budget Package, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 30, 2011, relating to the Statewide Collection of Court-Ordered Debt, was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

An agency report dated: January 9, 2012, relating to the Special Assessment of the Need for Judgeships in Family and Juvenile Law Assignments, was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

An agency report dated: December 28, 2011, relating to the Impact of Licensure by Credential on the Availability of Registered Dental Hygienists in California, was received from the Department of Consumer Affairs and transmitted to the Committee on Business, Professions and Economic Development.

An agency report dated: January 6, 2012, relating to the 2010–11 San Luis Obispo County Local Government Agreement, was received from the Department of Forestry And Fire Protection and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 6, 2012, relating to the 2011–12 Ramona Municipal Water District Local Government Agreement, was received from the Department of Forestry and Fire Protection and transmitted to the Committee on Budget and Fiscal Review.

A Title Summary Report 11-0063 dated: January 9, 2012, relating to the Government Employee Pension Reform Act of 2012 (V1), was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 11-0064 dated: January 9, 2012, relating to the Government Employee Pension Reform Act of 2012 (V2), was received from the Department of Justice and transmitted to the Committee on Rules.

An agency report dated: January 10, 2012, relating to the Student Financial Aid, was received from the Department of California Community Colleges and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: January 3, 2012, relating to the 2010/2011 Fire Protection Activities, was received from the Department of Forestry and Fire Protection and transmitted to the Committee on Budget and Fiscal Review.



A Title Summary Report 11-0073 dated: January 6, 2012, relating to the California Cannabis Hemp and Health Initiative, was received from the Department of Justice and transmitted to the Committee on Rules.

An audit report dated: January 12, 2012, relating to the Recommendations Not Fully Implemented After One Year, was received from the California State Auditor and transmitted to the Committee on Rules.

An agency report dated: January 13, 2012, relating to the Allocation of Funding in FY 2010–11 for Support of New Judgeships Authorized in FY 2007–08, was received from the Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 6, 2012, relating to the 2011–2012 San Luis Obispo County Local Government Agreement, was received from the Department of Forestry and Fire Protection and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 30, 2011, relating to the Intimate Partner Battering Cases Reviewed in 2011, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Public Safety.

A supplemental report dated: January 10, 2012, relating to the Energy Resources Conservation and Development Commission, was received from the Department of Natural Resources Agency and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: January 10, 2012, relating to the Division of Ratepayer Advocates Annual Budget and Staffing, was received from the Commission on Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 6, 2012, relating to the Improving Higher Education Oversight, was received from the Office of the Legislative Analyst and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: January 3, 2012, relating to the Efforts to Transfer Foreign-Born Inmates to their Countries of Origin, Fourth Quarter, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: January 4, 2012, relating to the 2011 Annual Performance Report and Executive Summary, was received from the Office of Traffic Safety and transmitted to the Committee on Transportation and Housing.

An agency report dated: January 4, 2012, relating to the Local Assessment Procedures, was received from the Board of Equalization and transmitted to the Committee on Governmental Organization.



An agency report dated: January 17, 2012, relating to the Instructional Capacity and Faculty Office Space Needs, was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 17, 2012, relating to the Regulations Enacted by Board of Trustees in 2011, was received from the California State University and transmitted to the Committee on Education.

An audit report dated: January 24, 2012, relating to the High Speed Rail Authority Follow-Up, was received from the California State Auditor and transmitted to the Committee on Rules.

An audit report dated: January 26, 2012, relating to the Interim Reporting: FY 2010–11 Single Audit, was received from the California State Auditor and transmitted to the Committee on Rules.

An annual report dated: January 30, 2012, relating to the 2010–2011 Annual Report, was received from the Horse Racing Board and transmitted to the Committee on Governmental Organization.

A final report dated: February 1, 2012, relating to the Reading Writing, and Mathematics Proficiency of All First-Time Freshman, was received from the California State University and transmitted to the Committee on Education.

An annual report dated: January 26, 2012, relating to the Fourth Annual State Video Franchise Holder Employment Report, was received from the Commission on Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

An agency report dated: February 1, 2012, relating to the Report to the Legislature FY 2010–2011, was received from the Commission on Prison Industry Board and transmitted to the Committee on Governmental Organization.

An annual report dated: January 26, 2012, relating to the 2011 Annual Report to the Legislature, was received from the Commission on California Actuarial Advisory Panel and transmitted to the Committee on Public Employment and Retirement.

An annual report dated: January 30, 2012, relating to the Timely Resolution of Proceedings and Commissioner Presence at Hearings 2011, was received from the Commission on Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

An audit report dated: January 31, 2012, relating to the California's Mutual Aid System, was received from the California State Auditor and transmitted to the Committee on Rules.

An agency report dated: January 30, 2012, relating to the Trial Court Revenue, Expenditure, and Fund Balance Constraints FY 2010–2011, was received from the Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.



An agency report dated: January 31, 2012, relating to the Plan to Implement Transition to 19-Member Board of Trustees, was received from the California State Bar and transmitted to the Committee on Judiciary.

An agency report dated: February 1, 2012, relating to the Semiannual Report on Judicial Branch Contracts, was received from the Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: February 7, 2012, relating to the Progress Made to Hire Qualified State Employees to Conduct the Sexually Violent Predator Evaluations, was received from the Department of Mental Health and transmitted to the Committee on Public Safety.

An agency report dated: January 31, 2012, relating to the Legislative Report Transmittal Letter, was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

An agency report dated: January 10, 2012, relating to the Status of the California Cadet Corps Program, was received from the Military Department and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: January 24, 2012, relating to the Allocations from the Appropriations Contained in AB 900, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: February 7, 2012, relating to the DNA Fund 2011, was received from the County of Fresno and transmitted to the Committee on Public Safety.

A supplemental report dated: February 7, 2012, relating to the Salton Sea Restoration Program, was received from the Department of Water Resources and transmitted to the Committee on Natural Resources and Water.

A supplemental report dated: February 7, 2012, relating to the Salton Sea Restoration Program, was received from the Department of Fish and Game and transmitted to the Committee on Natural Resources and Water.

An annual report dated: January 17, 2012, relating to the DNA Fund 2011, was received from the County of Los Angeles and transmitted to the Committee on Public Safety.

An annual report dated: January 20, 2012, relating to the 2010–2011 Annual Report, was received from the Office of First 5 California and transmitted to the Committee on Governance and Finance.

A supplemental report dated: January 19, 2012, relating to the Tahoe Conservancy's Report, was received from the Office of Natural Resources Agency and transmitted to the Committee on Budget and Fiscal Review.

A biennial report dated: January 23, 2012, relating to the Automation Plans, was received from the Employment Development Department and transmitted to the Committee on Public Employment and Retirement.





An agency report dated: January 10, 2012, relating to the 2011 Investment Advisor Report, was received from the Public Employment and Retirement System and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: January 26, 2012, relating to the Assembly Bill 1X (Chapter 4, Statutes of 2001), was received from the Department of Water Resources and transmitted to the Committee on Natural Resources and Water.

An agency report dated: January 26, 2012, relating to the Statement of Economic Interests in Electronic Filing Pilot Program, was received from the Office of the Legislative Analyst and transmitted to the Committee on Elections and Constitutional Amendments.

An agency report dated: January 26, 2012, relating to the Preliminary Institutional Financial Aid Programs, was received from the California State University and transmitted to the Committee on Education.

An agency report dated: January 18, 2012, relating to the Funds Allocated for Cleanup Loans and Environmental Assistance to Neighborhoods (CLEAN) Loan Program, was received from the Department of Toxic Substances Control and transmitted to the Committee on Environmental Quality.

An annual report dated: January 17, 2012, relating to the Trusts and Entities Created by the CPUC, was received from the Commission on Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

An agency report dated: January 18, 2012, relating to the Paperless Workflow Project Update, was received from the Department of Insurance and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 30, 2012, relating to the California Charter Oversight, was received from the Department of California State Library and transmitted to the Committee on Education.

An annual report dated: January 24, 2012, relating to the Alternative Dispute Resolution/Carve-Out Program for 2004–2009, was received from the Department of Industrial Relations and transmitted to the Committee on Labor and Industrial Relations.

An annual report dated: January 19, 2012, relating to the EMS Fund 2010–11, was received from the County of Mariposa and transmitted to the Committee on Health.

An annual report dated: January 11, 2012, relating to the DNA Fund 2011, was received from the County of Lake and transmitted to the Committee on Public Safety.

An annual report dated: January 24, 2012, relating to the Achievements in Conservation, Recycling and Ground Water Recharge, was received from the Metropolitan Water District of Southern California and transmitted to the Committee on Natural Resources and Water.





An annual report dated: December 21, 2011, relating to the Monetary Benefits Paid to Eligible Veterans by the Federal Government, was received from the Department of Veterans Affairs and transmitted to the Committee on Veterans Affairs.

An agency report dated: January 4, 2012, relating to the Health Care Language Assistance, was received from the Department of Insurance and transmitted to the Committee on Insurance.

A qualified initiative 1495 dated: January 19, 2012, relating to the Changes Law to Allow Auto Insurance Companies to Set Prices Based on a Driver's History of Insurance Coverage. Initiative Statute., was received from the Office of the Secretary of State and transmitted to the Committee on Rules.

An annual report dated: January 21, 2012, relating to the Number of Claims Denied during the Preceding Calendar Year, was received from the Commission on State Mandates and transmitted to the Committee on Governance and Finance.

A quarterly report dated: January 6, 2012, relating to the 19 Funded Projects Required by the Supplemental Report of the 2010–11 Budget Package, was received from the Commission on Correctional Health Care Services and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 16, 2012, relating to the FY 2011–12 Mid-Year Proposed Budget, was received from the Public Employment and Retirement System and transmitted to the Committee on Budget and Fiscal Review.

A quarterly report dated: January 16, 2012, relating to the FY 2011–12 First Quarter Budget and Expenditure Report, was received from the Public Employment and Retirement System and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 23, 2011, relating to the Review of Systems of Internal Control, was received from the Public Employment and Retirement System and transmitted to the Committee on Public Employment and Retirement.

#### **LEAVES OF ABSENCE FOR THE DAY**

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

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

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



**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Walters, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, February 16, 2012.

PAULA K. ROSSETTO, Minute Clerk

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