

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, March 1, 2012

The Senate met at 9 a.m.

Hon. Curren Price, of the 26th 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, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee—38.

Quorum present.

(NOTE: Senator Wyland will be excused this day due to illness (waiving per diem) and Senator Runner will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

The 19th century American author J.G. Holland taught that “God gives every bird its food, but does not throw it into the nest.” All that we need to nourish us in life, physically, intellectually, spiritually, God provides for in the world. But it is for us to seek, to search, and to claim it for ourselves.

May we be blessed with the ability to find what we need to sustain us, to recognize it when it is revealed to us, and to accept even what we have worked hard to attain as though it were a gift from the Eternal One.

May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **ACR 91** was withdrawn from Committee and placed on today’s Special Consent Calendar.

CONSIDERATION OF DAILY FILE**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill 1200—An act to amend Sections 7200, 7204, 7210, 7403, 7408, 7444, 7655, 7680, 8145, and 15401 of, to add Sections 7201.1 and 7201.2 to, and to repeal Sections 7681, 7782, and 7837 of, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Leno.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (31)—Senators Alquist, Anderson, Berryhill, Blakeslee, Cannella, Corbett, De León, DeSaulnier, Emmerson, Evans, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Steinberg, Strickland, Vargas, Walters, Wolk, and Wright.

NOES (1)—Senator Yee.

Roll Call

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

AYES (31)—Senators Alquist, Anderson, Berryhill, Blakeslee, Cannella, Corbett, De León, DeSaulnier, Emmerson, Evans, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Steinberg, Strickland, Vargas, Walters, Wolk, and Wright.

NOES (1)—Senator Yee.

Bill ordered transmitted to the Assembly.



SPECIAL CONSENT CALENDAR

Assembly Concurrent Resolution 91—Relative to American Heart Month and Wear Red Day.

Resolution read.

Special Consent Calendar Roll Call

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

AYES (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, 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, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to illness (waiving per diem): Senator Wyland.

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

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 9:22 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, March 5, 2012.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 1, 2012

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

EDMUND G. BROWN JR., Governor



JOHN R. WALLAUCH, has been appointed chief of the Bureau of Automotive Repair. Wallauch has served as program manager for the California Air Resources Board, Smog Check Program since 2007. Wallauch was the executive officer of the Inspection and Maintenance Review Committee for the Bureau of Automotive Repair from 1999 to 2002. He served as an air pollution control engineer for the California Air Resources Board from 1997 to 1999 and vice president of program operations for Envirotech Corporation from 1985 to 1995. Appointed 02/13/2012. Effective 02/13/2012.

Chief, Bureau of Automotive Repair, vice, Sherry Mehl, resigned. Term ending at the pleasure of the Governor.

ROBERT Z. WASSERMAN, has been appointed to the San Francisco Bay Conservation and Development Commission. Wasserman has been a partner at Wendel Rosen Black and Dean LLP since 1996. He was a partner at Kennedy and Wasserman from 1984 to 1995. He is a member of the East Bay Economic Development Alliance, the Oakland Metropolitan Chamber of Commerce, and had served as a commissioner for the Port of Oakland Board of Commissioners from 1987 to 1990. Wasserman earned a Juris Doctorate degree from Stanford Law School. Appointed 02/14/2012. Effective 02/17/2012.

Member, San Francisco Bay Conservation and Development Commission, vice, Lawrence J. Goldzband, being replaced. Term ending at the pleasure of the Governor.

J. KEITH GILLESS, has been reappointed to the Board of Forestry and Fire Protection, where he has served since 2011. Gilless has been the dean of the College of Natural Resources since 2008 and professor of forest economics since 1983 at the University of California, Berkeley. He earned a doctorate in forestry and agricultural economics from the University of Wisconsin, Madison. Reappointed 02/06/2012. Effective 02/14/2012.

Member, State Board of Forestry and Fire Protection, vice, self, reappointed. Term ending 01/15/2016.

LINN G. WARREN, has been appointed director of the California Department of Housing and Community Development. Warren has been a program director at the California Housing Finance Agency since 2010, where he served in multiple positions from 2009 to 2010 and from 1995 to 2006. He was a program advisor at the Sacramento Housing and Redevelopment Agency from 2008 to 2009 and a special advisor at the San Jose Department of Housing in 2007. He was vice president at First Nationwide Bank from 1990 to 1995. Appointed 02/21/2012. Effective 02/21/2012.

Director, Housing and Community Development, vice, Lynn L. Jacobs, resigned. Term ending at the pleasure of the Governor.



BRIAN R. LEAHY, has been appointed director at the California Department of Pesticide Regulation. Leahy has served as assistant director for the California Department of Conservation since 2006. He was a partner at EcoFacilitation in the Netherlands in 2006, and served as executive director for the California Association of Resource Conservation Districts from 2004 to 2006. He was executive director at the California Certified Organic Farmers from 2000 to 2004. Leahy was owner and operator of Cherokee Ranch Inc. from 1980 to 2003 and also a farm operator for Ackerlund Farm Incorporated from 1992 to 1993. Leahy earned a Juris Doctorate degree from Creighton University School of Law. Appointed 02/21/2012. Effective 02/21/2012.

Director, Pesticide Regulation California Environmental Protection Agency, vice, Mary A. Warmerdam. Term ending at the pleasure of the Governor.

JOHN FARRELL, has been reappointed to the California Veterans Board, where he has been a member since 2011. He is currently a resident of the Veterans Home of California, Chula Vista. Farrell was a private practice attorney from 1973 to 2004. He was a partner at Exarhos and Farrell from 1975 to 1983 and an associate attorney at Milch Wolfsheimer and Wagner from 1974 to 1975. He was a specialist fifth class in the United States Army, serving as a public information officer from 1960 to 1963. Reappointed 02/10/2012. Effective 02/23/2012.

Member, California Veterans Board, vice, self, reappointed. Term ending 01/15/2015.

CHARLENE M. TAYLOR, has been appointed to the California Veterans Board. Taylor has held multiple positions at the Kaiser Foundation Hospitals and Health Plan since 1997, and has been chief operating officer for the Kaiser Permanente Sacramento Medical Center since 2010. She served as chief nurse and flight nurse for the U.S. Air Force Reserve from 1993 to 2009. Taylor served as assistant hospital administrator for Sutter Amador Hospital from 1988 to 1997. She is a member of the Veterans of Foreign Wars, Reserve Officers Association and the Society of Air Force Nurses. Appointed 02/10/2012. Effective 02/24/2012.

Member, California Veterans Board, vice, Lt. Col. Thomas A. Richards. Term ending 01/15/2016.

Above appointments referred to the Committee on Rules.



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 6, 2011

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 403 to the Senate for further action.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, February 29, 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:

Ellen G. Widess, Division Chief, Occupational Safety and Health (5-0)
STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, February 29, 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:

Joan A. Markoff, Chief Counsel, Personnel Administration Department (5-0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, February 29, 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:

A. Eugene Huguenin Jr., Member, Public Employment Relations Board (5-0)

Anita I. Martinez, Member, Public Employment Relations Board (5-0)
STEINBERG, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, February 29, 2012

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

Agriculture—SB 1187.

Business, Professions and Economic Development—SB 1061, SB 1095, SB 1165, SB 1202, SB 1215.



Education—SB 1062, SB 1080, SB 1088, SB 1103, SB 1108, SB 1137, SB 1138, SB 1153, SB 1154, SB 1200, SB 1204.

Elections and Constitutional Amendments—SB 1188.

Environmental Quality—SB 1063, SB 1127, SB 1139.

Governance and Finance—SB 1056, SB 1086, SB 1090, SB 1125, SB 1131, SB 1147, SB 1151, SB 1158, SB 1167, SB 1168, SB 1197.

Governmental Organization—SB 1065, SB 1078, SB 1112, SB 1162.

Health—SB 1072, SB 1081, SB 1136, SB 1190, SB 1199.

Human Services—SB 1060, SB 1074.

Insurance—SB 1184, SB 1216.

Judiciary—SB 1055, SB 1069, SB 1082, SB 1110, SB 1134, SB 1140, SB 1163, SB 1171, SB 1186, SB 1191, SB 1193, SB 1206, SB 1213.

Labor and Industrial Relations—SB 1105, SB 1114, SB 1115.

Natural Resources and Water—SB 1107, SB 1148, SB 1166, SB 1169.

Public Employment and Retirement—SB 1113, SB 1141, SB 1142, SB 1143, SB 1176.

Public Safety—SB 1067, SB 1089, SB 1091, SB 1098, SB 1121, SB 1144, SB 1145, SB 1150, SB 1180, SB 1210.

Rules—SB 994, SB 1057, SB 1058, SB 1059, SB 1066, SB 1070, SB 1071, SB 1073, SB 1083, SB 1084, SB 1085, SB 1093, SB 1096, SB 1097, SB 1100, SB 1101, SB 1104, SB 1106, SB 1109, SB 1111, SB 1118, SB 1120, SB 1122, SB 1129, SB 1132, SB 1133, SB 1135, SB 1152, SB 1157, SB 1159, SB 1161, SB 1164, SB 1172, SB 1173, SB 1175, SB 1178, SB 1179, SB 1181, SB 1182, SB 1183, SB 1189, SB 1194, SB 1195, SB 1196, SB 1205, SB 1207, SB 1208, SB 1211, SB 1212, SCA 17.

Transportation and Housing—SB 1068, SB 1092, SB 1102, SB 1117, SB 1123, SB 1149, SB 1155, SB 1174, SB 1203, SB 1209.

Veterans Affairs—SB 1198.

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

Agriculture and Natural Resources and Water—SB 1126.

Banking and Financial Institutions and Environmental Quality—SB 1116.

Business, Professions and Economic Development and Judiciary—SB 1077.

Education and Health—SB 1087.



Energy, Utilities and Communications and Judiciary—SB 1160.

Environmental Quality and Judiciary—SB 1214.

Environmental Quality and Transportation and Housing—SB 1076.

Governance and Finance and Governmental Organization—SB 1185.

Governmental Organization and Environmental Quality—SB 1099.

Human Services and Judiciary—SB 1064.

Insurance and Judiciary—SB 1170.

Judiciary and Rules—SB 1075.

Labor and Industrial Relations and Public Safety—SB 1177.

Natural Resources and Water and Environmental Quality—SB 1054,
SB 1146, SB 1192.

Natural Resources and Water and Governance and Finance—SB 1094.

Natural Resources and Water and Judiciary—SB 1201.

Public Employment and Retirement and Elections and Constitutional Amendments—SCA 18.

Public Safety and Appropriations—SB 1124.

Transportation and Housing and Governance and Finance—SB 1156.

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

Energy, Utilities and Communications—AB 1073.

Governance and Finance—AB 246

Natural Resources and Water—SJR 17.

Public Safety—AB 1275.

Rules—SCR 68.

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

Transportation and Housing and Governance and Finance—AB 484.



State Capitol, February 29, 2012

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

Reappointed Bert M. Bettis of Wilton as a member to the California Commission on Aging for a term ending March 1, 2015.

Reappointed Paul Blanc M.D. of San Francisco as a member to the Scientific Review Panel on Toxic Air Contaminants for a term ending January 1, 2015.

Reappointed Richard F. Cowan of Gold River as a member to the Capitol Area Committee for a term ending December 31, 2015.

Appointed Vanessa F. Rodriguez of Los Angeles as a member to the California Organized Investment Network Advisory Board for a term to be determined by lot draw at a later time.

Appointed Glenn A. Hammel of Sacramento as a member to the Council on Mentally Ill Offenders for a term ending at the pleasure of the committee.

Appointed Erin Niemela of Davis as a member to the Board of Registered Nursing for a term ending June 1, 2016.

Appointed Senator Ted Lieu of Torrance as a member to the State Public Works Board for a term ending at the pleasure of the committee.

STEINBERG, Chair

Committee on Governance and Finance

Senate Chamber, March 1, 2012

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

SB 954

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

Senate Bill 954—An act to amend Section 12419.8 of the Government Code, relating to state government.

Bill read second time.

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

MOTION TO STRIKE FROM FILE

Without objection, **SB 386, SB 715, SB 847, SB 296, SB 590, SB 671, SB 834, SB 223, SB 356, SB 450, SB 29, SB 910, SB 199, SB 205, SB 334, SB 364, SB 439, SB 702, SB 185, SB 263, SB 512, SB 547, SB 737, SB 752, SB 127, SB 503, SB 538, SB 586, SB 747, SB 14, SB 416, SB 469, SB 508, SB 931, SB 427, SB 833, SB 139, SB 408, SB 442, SB 601, SB 676, SB 791, and SB 914** were stricken from the file.

Governor's vetoes sustained.



INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Joint Resolution 20: By Senator Evans (Principal coauthor: Assembly Member Bonnie Lowenthal) (Coauthors: Senators Alquist, Corbett, De León, Hancock, Kehoe, Liu, Negrete McLeod, Pavley, Wolk, and Yee) (Coauthors: Assembly Members Alejo, Ammiano, Atkins, Blumenfield, Bonilla, Brownley, Buchanan, Butler, Carter, Chesbro, Gordon, Hall, Hayashi, Hill, Huber, Huffman, Ma, Miller, Mitchell, Monning, Portantino, Torres, and Wieckowski)—Relative to violence against women.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Anderson requested that when the Senate adjourns this day it do so in memory of Andrew Breitbart of Los Angeles.

Senator DeSaulnier requested that when the Senate adjourns this day it do so in memory of Vincent Silva of Pittsburg.

Senator Gaines requested that when the Senate adjourns this day it do so in memory of Dr. Kenneth J. Shipley, M.D. of Roseville.

Senator Hancock requested that when the Senate adjourns this day it do so in memory of Morton Neil Felix of Berkeley.

Senator La Malfa requested that when the Senate adjourns this day it do so in memory of Cpt. Mark Ratledge of Cottonwood.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 12:30 p.m., Monday, March 5, 2012.

PAULA K. ROSSETTO, Minute Clerk

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