

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, March 26, 2012

The Senate met at 2 p.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, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee—34.

Quorum present.

(NOTE: Senators Evans, Lowenthal, and Wyland will be excused this day on personal business and Senators Anderson, Berryhill, and Runner will be excused this day due to illness.)



PRAYER

Upon invitation of the President, the following prayer was offered by Father James Retalas of the Greek Orthodox Church of the Annunciation in Sacramento:

The pledge of allegiance ends with the words, “with liberty and justice for all.” The commemoration of Greek Independence Day is timeless in that it focuses on these two themes. So as we gather to honor the Greek heroes of 1821, let us emulate their zeal in the pursuit of these God-given rights.

We knew thee of old,
Oh, divinely restored,
By the lights of thine eyes,
And the light of thy Sword,
From the graves of our slain,
Shall thy valor prevail,
As we greet thee again—
Hail, Liberty! Hail!

(From the English translation of the Greek National Anthem
by Rudyard Kipling (1918))

Deuteronomy 32:1–4. “Give ear, O heavens, and I will speak; and hear, O earth, the words of my mouth. Let my teaching drop as the rain, my speech distill as the dew, as raindrops on the tender herb, and as showers on the grass. For I proclaim the name of the Lord: Ascribe greatness to our God. *He is* the Rock, His work *is* perfect; for all His ways *are* justice, a God of truth and without injustice; righteous and holy *is* He.”

Let us pray . . .

Lord, Teach us your definition of justice—a jubilee outpouring of grace. You have given us all we need to be rich in you, grounded in you, and whole in you.

Lord, as we pray, lead us to give, inspire us to campaign, strengthen our faith for change, and inhabit our words and actions with your definition of justice until crippling debts are cancelled and those struggling—both here in this great land and abroad—will walk free into a fair and just future of opportunity.

Lord, have your way in governments and institutions: soften hearts, change minds, open hands, transform budgets.

In these times of economic challenge and financial instability, establish men and women in leadership who will stand on your foundation. May they choose to act justly, love mercy, and walk humbly before you.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 22, 2012

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

ACR 120

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:

Assembly Concurrent Resolution 120—Relative to California Cattlemen's Day.

REPORTS OF STANDING COMMITTEES**Committee on Public Safety**

Senate Chamber, March 26, 2012

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

AB 327

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

HANCOCK, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 327—An act to amend Sections 667, 667.1, 1170.12, and 1170.125 of the Penal Code, relating to sentencing.

Bill read second time.

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

Committee on Natural Resources and Water

Senate Chamber, March 26, 2012

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

SB 1146

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

Senate Bill 1146—An act to amend Section 13752 of the Water Code, relating to water.

Bill read second time.

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



Committee on Rules

Senate Chamber, March 26, 2012

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

SB 1058	SB 1164	SB 1262	SB 1288
SB 1066	SB 1173	SB 1276	SCR 69
SB 1070	SB 1189	SB 996	
SB 1106	SB 1212	SB 1183	
SB 1161	SB 1221	SB 1287	

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 1058—An act relating to the Victims of Corporate Fraud Compensation Fund.

Bill read second time.

Senate Bill 1066—An act to add Section 31113 to the Public Resources Code, relating to coastal resources.

Bill read second time.

Senate Bill 1070—An act relating to community colleges.

Bill read second time.

Senate Bill 1106—An act to amend Section 110480 of the Health and Safety Code, relating to food safety.

Bill read second time.

Senate Bill 1161—An act to amend Section 709 of the Public Utilities Code, relating to communications.

Bill read second time.

Senate Bill 1164—An act to amend Section 4001 of the Welfare and Institutions Code, relating to mental health.

Bill read second time.

Senate Bill 1173—An act to amend Section 798.29 of the Civil Code, relating to mobilehomes.

Bill read second time.

Senate Bill 1189—An act relating to high-speed rail.

Bill read second time.

Senate Bill 1212—An act to amend Section 10113 of the Insurance Code, relating to insurance.

Bill read second time.



Senate Bill 1221—An act relating to air quality.

Bill read second time.

Senate Bill 1262—An act to amend Section 10089 of the Insurance Code, relating to earthquake insurance.

Bill read second time.

Senate Bill 1276—An act to amend Section 3338 of the Civil Code, relating to personal property.

Bill read second time.

Senate Bill 996—An act to amend Section 31552 of the Government Code, relating to the County Employees Retirement Law of 1937.

Bill read second time.

Senate Bill 1183—An act to amend Section 7503 of the Business and Professions Code, relating to repossessioners.

Bill read second time.

Senate Bill 1287—An act to amend Section 11000 of the Government Code, relating to state government.

Bill read second time.

Senate Bill 1288—An act to amend Section 3037 of the Fish and Game Code, relating to fish and wildlife resources.

Bill read second time.

Senate Concurrent Resolution 69—Relative to California Autism Awareness Month.

Resolution read second time.

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

Committee on Environmental Quality

Senate Chamber, March 26, 2012

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 1394

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SIMITIAN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1394—An act to amend Section 57007 of the Health and Safety Code, relating to environmental protection.

Bill read second time.

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



Committee on Banking and Financial Institutions

Senate Chamber, March 26, 2012

Mr. President: The Chair of the Committee on Banking and Financial Institutions, to which was referred:

SB 956

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VARGAS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 956—An act to add Chapter 1b (commencing with Section 18500) to Division 8 of the Business and Professions Code, and to amend Section 22054 of the Financial Code, relating to automobile sellers and lenders.

Bill read second time.

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

Committee on Natural Resources and Water

Senate Chamber, March 26, 2012

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

SB 1247

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

Senate Bill 1247—An act to amend Sections 4201, 4227, 4251, 4252, 4327 and 4357 of, and to add Sections 4250 and 4405 to, the Water Code, relating to water.

Bill read second time.

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

Committee on Governmental Organization

Senate Chamber, March 26, 2012

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 1418

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 1418—An act to amend Section 19549.1 of the Business and Professions Code, relating to horse racing.

Bill read second time.

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

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

Assembly Bill 103—An act relating to the Budget Act of 2011.

Bill read second time and ordered to third reading.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, **AB 103** was re-referred to the Committee on Rules.

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

Senate Resolution 28—Relative to Greek Independence Day.

Resolution read and adopted by voice vote.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1073—An act to amend Section 25500.1 of the Public Resources Code, relating to energy, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Padilla.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Alquist, Blakeslee, Calderon, Cannella, Correa, De León, DeSaulnier, Dutton, Emmerson, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Lieu, Liu, Negrete McLeod, Padilla, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, and Wright.

NOES (2)—Senators Leno and Yee.

Roll Call

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

AYES (28)—Senators Alquist, Blakeslee, Calderon, Cannella, Correa, De León, DeSaulnier, Dutton, Emmerson, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Lieu, Liu, Negrete McLeod, Padilla, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, and Wright.

NOES (2)—Senators Leno and Yee.

Bill ordered transmitted to the Assembly.



UNFINISHED BUSINESS**Consideration of Governor's Appointment**

Senator Steinberg placed the following Governor's appointment before the Senate:

ELLEN G. WIDESS, Division Chief, Occupational Safety and Health

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (32)—Senators Alquist, Blakeslee, Calderon, Cannella, Corbett, DeSaulnier, Dutton, Emmerson, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Steinberg placed the following Governor's appointment before the Senate:

JOAN A. MARKOFF, Chief Counsel, Personnel Administration Department

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (32)—Senators Alquist, Blakeslee, Calderon, Cannella, Corbett, DeSaulnier, Dutton, Emmerson, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Steinberg placed the following Governor's appointments before the Senate:

CARLOS G. RAMOS, Secretary, California Technology Agency

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (32)—Senators Alquist, Blakeslee, Calderon, Cannella, Corbett, DeSaulnier, Dutton, Emmerson, Fuller, Gaines, Hancock, Harman,



Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Senator Simitian Presiding

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to personal business: Senators Evans, Lowenthal, and Wyland.

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

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

At 3:05 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 Tuesday, March 27, 2012.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 26, 2012

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

AB 1558 AB 1679 AB 1727 AB 1585

Assembly Chamber, March 26, 2012

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

AJR 25

Assembly Chamber, March 26, 2012

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

AJR 31

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 for assignment:

Assembly Bill 1558—An act to amend Section 831.8 of the Government Code, relating to liability.



Assembly Bill 1679—An act to amend Section 1950.5 of the Civil Code, relating to landlord-tenant relations.

Assembly Bill 1727—An act to amend Section 5240 of the Family Code, relating to support orders.

Assembly Bill 1585—An act to amend Sections 34171, 34173, 34176, 34177, 34179, 34180, 34181, 34182, 34183, 34187, and 34189 of the Health and Safety Code, relating to redevelopment, and declaring the urgency thereof, to take effect immediately.

Assembly Joint Resolution 25—Relative to the Los Angeles Residential Helicopter Noise Relief Act of 2011.

REPORTS OF STANDING COMMITTEES

Committee on Health

Senate Chamber, March 26, 2012

Mr. President: The Chair of the Committee on Health, to which was referred:

SB 1246

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

HERNANDEZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1246—An act to amend Section 1279 of, and to add Section 1279.4 to, the Health and Safety Code, relating to health facilities.

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, March 26, 2012

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 3–0, has referred AB 103 to the Budget and Fiscal Review Committee.

STEINBERG, Chair

Senate Chamber, March 26, 2012

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1195

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 1195—An act to amend Section 6253.3 of the Government Code, relating to public records.

Bill read second time.

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

Committee on Education

Senate Chamber, March 26, 2012

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

SB 1204

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

Senate Bill 1204—An act to amend Sections 15278 and 15286 of the Education Code, relating to school facilities.

Bill read second time.

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

Committee on Rules

Senate Chamber, March 26, 2012

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

SB 987 SB 1196 SB 1285 SCR 74

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 987—An act to amend Section 21175 of the Government Code, relating to public employees' retirement.

Bill read second time.

Senate Bill 1196—An act to amend Section 1381 of the Health and Safety Code, relating to health care coverage.

Bill read second time.

Senate Bill 1285—An act to amend Section 1371.4 of the Health and Safety Code, relating to health care coverage.

Bill read second time.



Senate Concurrent Resolution 74—Relative to Brain Injury Awareness Month.

Resolution read second time.

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

Committee on Environmental Quality

Senate Chamber, March 26, 2012

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 1306

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SIMITIAN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1306—An act to amend Section 57004 of the Health and Safety Code, and to amend Section 13000 of the Water Code, relating to water quality.

Bill read second time.

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

Committee on Governance and Finance

Senate Chamber, March 26, 2012

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

SB 1338

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 1338—An act to amend Section 51087 of the Government Code, relating to local government.

Bill read second time.

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

Committee on Rules

Senate Chamber, March 26, 2012

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

SB 951

SB 1045

SB 1109

SB 1352

SB 1501



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 951—An act relating to health care coverage.

Bill read second time.

Senate Bill 1045—An act to amend Section 921 of the Business and Professions Code, relating to healing arts.

Bill read second time.

Senate Bill 1109—An act relating to pupil instruction.

Bill read second time.

Senate Bill 1352—An act to amend Section 11166.3 of the Penal Code, relating to child abuse.

Bill read second time.

Senate Bill 1501—An act to amend Section 2253 of the Business and Professions Code, relating to healing arts.

Bill read second time.

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

Committee on Rules

State Capitol, March 26, 2012

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

Budget and Fiscal Review—AB 1502, AB 1503.

Business, Professions and Economic Development—SB 1575, SB 1576.

Governmental Organization—SB 1578, SB 1579, SB 1580.

Judiciary—SB 1574.

Natural Resources and Water—SB 1577.

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

Education—SB 1044, SB 1280, SCR 73.

Labor and Industrial Relations—SB 959.

Public Employment and Retirement—SB 1057.

Transportation and Housing—SCR 76, SCR 78.



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

Education and Judiciary—SB 1059.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

Senate Concurrent Resolution 79: By Senator Lieu (Coauthors: Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Hernandez, Huff, Kehoe, La Malfa, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Steinberg, Vargas, Walters, Wolk, Wright, Wyland, and Yee)—Relative to the Honorable Jenny Oropeza Memorial Highway.

Senate Joint Resolution 23: By Senator Simitian (Principal coauthors: Senators Berryhill, De León, Liu, and Wyland) (Principal coauthors: Assembly Members Achadjian, Charles Calderon, Fuentes, Gatto, and Portantino)—Relative to the Armenian Genocide.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 880** was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Rules.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Calderon requested that when the Senate adjourns this day it do so in memory of Harout Hadjinian of El Monte and Bobbie Pico Cabral of Los Nietos.

Senator Cannella requested that when the Senate adjourns this day it do so in memory of John Myers of King City.

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Dale Reed of San Leandro.

Senator Padilla requested that when the Senate adjourns this day it do so in memory of Edward Terrazas Acevedo of Los Angeles.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 27, 2012.

PAULA K. ROSSETTO, Minute Clerk