

## CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-EIGHTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, March 28, 2012

The Senate met at 9 a.m.  
Hon. Alan Lowenthal, of the 27th 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, 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, Vargas, Walters, Wolk, Wright, and Wyland—36.

Quorum present.

*(NOTE: Senator Yee will be excused this day on legislative business, Senators Evans and 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 Rules

Senate Chamber, March 28, 2012

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

SB 1205	SB 1290	SB 1320
SB 1438	SB 1486	

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 1205**—An act to amend Section 15272 of the Education Code, relating to school bonds.

Bill read second time.

**Senate Bill 1290**—An act relating to charter schools.

Bill read second time.

**Senate Bill 1320**—An act relating to health care.

Bill read second time.

**Senate Bill 1438**—An act to add Section 10234.75 to the Insurance Code, relating to insurance.

Bill read second time.

**Senate Bill 1486**—An act relating to food.

Bill read second time.

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

**Committee on Judiciary**

Senate Chamber, March 28, 2012

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

SB 1134

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

EVANS, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1134**—An act to amend Section 43.92 of the Civil Code, relating to liability.

Bill read second time.

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

**Committee on Education**

Date of Hearing, March 28, 2012

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

SB 1080

SB 1289

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

LOWENTHAL, Chair

Above measures re-referred to the Committee on Appropriations.



Date of Hearing, March 28, 2012

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

SB 1540

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

LOWENTHAL, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Senate Chamber, March 28, 2012

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

SB 965

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 965**—An act to add Section 13293 to 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 Business, Professions and Economic Development**

Senate Chamber, March 28, 2012

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which was referred:

SB 1524

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

PRICE, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1524**—An act to amend Section 2836.1 of the Business and Professions Code, relating to nurse practitioners.

Bill read second time.

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

**Committee on Transportation and Housing**

Date of Hearing, March 27, 2012

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

SJR 15



Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

DESAULNIER, Chair

Above measure ordered to second reading.

Date of Hearing, March 27, 2012

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

SB 1570

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

DESAULNIER, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, March 27, 2012

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

SB 1295

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Education.

DESAULNIER, Chair

Above measure ordered to second reading.

Date of Hearing, March 27, 2012

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

SB 1330

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

DESAULNIER, Chair

Above measure ordered to second reading.

Date of Hearing, March 27, 2012

Mr. President: The Committee on Transportation and Housing, to which were referred:

SB 1102      SB 1303      SB 1545      AB 610

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

DESAULNIER, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 27, 2012

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

SB 1310



Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

DESAULNIER, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Senate Chamber, March 28, 2012

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

SB 1353

SB 1422

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**

**Senate Bill 1353**—An act to amend Section 832.7 of the Penal Code, relating to peace officers.

Bill read second time.

**Senate Bill 1422**—An act to amend Section 31700 of the Penal Code, relating to handguns.

Bill read second time.

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

**Committee on Transportation and Housing**

Date of Hearing, March 27, 2012

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

SCR 50

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

DESAULNIER, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Insurance**

Senate Chamber, March 28, 2012

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

SB 1170

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

CALDERON, Chair



**Second Reading of Bills—Author's Amendments**

**Senate Bill 1170**—An act to amend Sections 787 and 787.1 of the Insurance Code, relating to insurance.

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 28, 2012

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

SB 1456

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 1456**—An act to amend Sections 76300, 78210, 78211, 78211.5, 78212, 78213, 78214, 78215, 78216, and 78218 of, and to repeal Section 78212.5 of, the Education Code, relating to community colleges.

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 28, 2012

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

SB 1051

SB 1439

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 1051**—An act to amend Section 11200 of the Welfare and Institutions Code, relating to public social services.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 1051 pursuant to Joint Rule 58.

SENATOR EMMERSON

**Permission of Rules Committee**

Senate Chamber, March 28, 2012

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1051.

STEINBERG, Chair



**Senate Bill 1439**—An act to add Part 1.95 (commencing with Section 34198) to Division 24 of the Health and Safety Code, relating to redevelopment, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

#### **Committee on Governmental Organization**

Senate Chamber, March 28, 2012

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

SB 1390

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 1390**—An act to add Chapter 4.7 (commencing with Section 19750) to Division 8 of the Business and Professions Code, and to amend Sections 336.9 and 337a of the Penal Code, relating to sports wagering.

Bill read second time.

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

#### **Committee on Insurance**

Senate Chamber, March 28, 2012

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

SB 1265

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

CALDERON, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 1265**—An act to amend Section 1810 of the Insurance Code, relating to bail agent licenses.

Bill read second time.

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

#### **Committee on Health**

Date of Hearing, March 28, 2012

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

SB 1079



Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety.

HERNANDEZ, Chair

Above measure re-referred to the Committee on Public Safety.

### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

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

**Senate Concurrent Resolution 80:** By Senator Fuller—Relative to the Lance Corporal Joseph C. Lopez Memorial Interchange.

### **CONSIDERATION OF DAILY FILE**

#### **SECOND READING OF SENATE BILLS**

**Senate Bill 1308**—An act to amend Sections 107, 4809.8, 11310, 19428, and 19816 of the Business and Professions Code, to amend Sections 22717.5, 22901.3, 24003, 24103, 59008, 59104, and 59205 of the Education Code, to amend Section 17450 of the Family Code, to amend Section 2203 of the Fish and Game Code, to amend Sections 6006, 6042, 6047.4, 6988, 14581, 14971, 27574, 29028, 40576, 41008, 41867, 52885, 54442, 74743, 77939, and 78239 of the Food and Agricultural Code, to amend Sections 927.13, 1150, 1156, 1156.1, 3513, 3517.63, 3527, 3535, 3537, 3539.5, 3541, 3572.1, 7507, 8546, 8870.4, 8880.18, 8903, 9149.4, 11270, 11552, 11565.5, 12010.6, 12012.85, 13332.07, 14876, 14998.3, 16649.94, 18000.5, 18573, 18574, 18706, 18707, 18708, 18711, 18714, 18717, 18801.1, 18802, 18904, 18905, 19134, 19172, 19253.5, 19261, 19576.1, 19582, 19583, 19592, 19770, 19775, 19775.1, 19775.15, 19775.16, 19775.17, 19775.18, 19815, 19815.41, 19815.8, 19816.21, 19816.22, 19819.5, 19822.6, 19827.3, 19829.5, 19829.6, 19844.7, 19849.11, 19849.13, 19849.14, 19849.16, 19853, 19853.1, 19867, 19999.1, 19999.3, 19999.21, 19999.31, 20068, 20090, 20090.1, 20398, 20405, 20405.1, 20405.2, 20405.3, 20407, 20408, 20632, 20636, 20672.5, 20677.4, 20683, 20683.1, 20687, 20963.1, 21159, 21160, 21195, 21223, 21251.13, 21353, 21354.1, 21362.2, 21363, 21363.1, 21363.4, 21363.8, 21369, 21369.1, 21410, 21465, 21672, 21674, 22808, 22811, 22814, 22815, 22816, 22850, 22865, 22871.5, 22944.3, 22953, 22954, 22959, 22959.2, 22959.4, 22959.6, 22960, 22960.35, 22960.60, 22960.100, 68203, 77601, 77602, and 100503 of, to amend the heading of Chapter 1 (commencing with Section 19815) of Part 2.6 of Division 5 of Title 2 of, to amend and repeal Sections 19608 and 21369.2 of, to add Section 19573 to, to repeal Section 19702 of, and to repeal and add Section 19815.2 of, the Government Code, to amend Sections 11755 and 50909 of the Health and Safety Code, to amend Sections 10203.2, 11871, 12693.65, and 12710 of the Insurance Code, to amend Sections 122, 123, 3352, and 4600 of the Labor Code, to amend Sections 322 and 1011 of the Military and Veterans Code, to amend Sections 832.9 and 6050 of the Penal Code, to amend Sections 10295, 10344.1, and 10349 of the Public Contract Code, to amend Sections 309.1 and 185024 of the Public Utilities Code, to amend Section



19270 of the Revenue and Taxation Code, to amend Section 2266 of the Vehicle Code, and to amend Section 80122 of the Water Code, relating to the Department of Human Resources.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1169**—An act to amend Section 2831 of the Fish and Game Code, and to amend Section 1 of Chapter 644 of the Statutes of 2007, relating to wildlife resources.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1351**—An act to amend Section 830.55 of the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 952**—An act to add and repeal Section 89517.5 of the Education Code, relating to postsecondary education, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### **MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SCR 74** and **SCR 77** were withdrawn from Committee and placed on third reading.

#### **MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 1538** was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Rules;

**SB 1156** was withdrawn from the Committee on Transportation and Housing and re-referred to the Committee on Governance and Finance and Transportation and Housing;

**SB 1165** was withdrawn from the Committee on Business, Professions and Economic Development and re-referred to the Committee on Rules; and

**SB 1128** was withdrawn from the Committee on Energy, Utilities and Communications and re-referred to the Committee on Governance and Finance and Energy, Utilities and Communications.

#### **SENATE COMMITTEE ROLL CALLS**

##### **Committee on Education**

**SB 1080**—Do pass and re-refer to the Committee on Appropriations

AYES (9)—Senators Alquist, Blakeslee, Hancock, Huff, Liu, Lowenthal, Price, Simitian, and Vargas.

NOES (0)—None.



**SB 1087**—Do pass as amended and re-refer to the Committee on Health

AYES (9)—Senators Alquist, Blakeslee, Hancock, Huff, Liu, Lowenthal, Price, Simitian, and Vargas.

NOES (0)—None.

**SB 1088**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (8)—Senators Alquist, Hancock, Huff, Liu, Lowenthal, Price, Simitian, and Vargas.

NOES (0)—None.

**SB 1137**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (9)—Senators Alquist, Blakeslee, Hancock, Huff, Liu, Lowenthal, Price, Simitian, and Vargas.

NOES (0)—None.

**SB 1271**—Do pass as amended and re-refer to the Committee on Governmental Organization

AYES (8)—Senators Alquist, Blakeslee, Hancock, Liu, Lowenthal, Price, Simitian, and Vargas.

NOES (1)—Senator Huff.

**SB 1289**—Do pass and re-refer to the Committee on Appropriations

AYES (7)—Senators Alquist, Hancock, Liu, Lowenthal, Price, Simitian, and Vargas.

NOES (1)—Senator Huff.

**SB 1316**—Do pass as amended

AYES (8)—Senators Alquist, Hancock, Huff, Liu, Lowenthal, Price, Simitian, and Vargas.

NOES (0)—None.

**SB 1385**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (8)—Senators Alquist, Hancock, Huff, Liu, Lowenthal, Price, Simitian, and Vargas.

NOES (0)—None.

**SB 1540**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (8)—Senators Alquist, Hancock, Huff, Liu, Lowenthal, Price, Simitian, and Vargas.

NOES (0)—None.

Date of Hearing: 3/28/2012

Lowenthal (Chair)



**Committee on Transportation and Housing**

**SB 1102**—Do pass and re-refer to the Committee on Appropriations

AYES (7)—Senators DeSaulnier, Gaines, Harman, Kehoe, Pavley, Simitian, and Wyland.

NOES (0)—None.

**SB 1295**—Do pass as amended and re-refer to the Committee on Education

AYES (7)—Senators DeSaulnier, Gaines, Harman, Kehoe, Pavley, Rubio, and Wyland.

NOES (0)—None.

**SB 1303**—Do pass and re-refer to the Committee on Appropriations

AYES (8)—Senators DeSaulnier, Gaines, Harman, Kehoe, Pavley, Rubio, Simitian, and Wyland.

NOES (0)—None.

**SB 1310**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (6)—Senators DeSaulnier, Harman, Kehoe, Pavley, Rubio, and Simitian.

NOES (1)—Senator Gaines.

**SB 1330**—Do pass as amended and re-refer to the Committee on Judiciary

AYES (5)—Senators DeSaulnier, Kehoe, Pavley, Rubio, and Simitian.

NOES (3)—Senators Gaines, Harman, and Wyland.

**SB 1388**—Do pass as amended, to Consent Calendar

AYES (8)—Senators DeSaulnier, Gaines, Harman, Kehoe, Pavley, Rubio, Simitian, and Wyland.

NOES (0)—None.

**SB 1545**—Do pass and re-refer to the Committee on Appropriations

AYES (8)—Senators DeSaulnier, Gaines, Harman, Kehoe, Pavley, Rubio, Simitian, and Wyland.

NOES (0)—None.

**SB 1570**—Do pass and re-refer to the Committee on Judiciary

AYES (8)—Senators DeSaulnier, Gaines, Harman, Kehoe, Pavley, Rubio, Simitian, and Wyland.

NOES (0)—None.

**SCR 50**—Do pass and re-refer to the Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators DeSaulnier, Gaines, Harman, Kehoe, Pavley, Rubio, Simitian, and Wyland.

NOES (0)—None.



**SJR 15**—Do pass, to Consent Calendar

AYES (8)—Senators DeSaulnier, Gaines, Harman, Kehoe, Pavley, Rubio, Simitian, and Wyland.

NOES (0)—None.

**AB 610**—Do pass and re-refer to the Committee on Appropriations

AYES (8)—Senators DeSaulnier, Gaines, Harman, Kehoe, Pavley, Rubio, Simitian, and Wyland.

NOES (0)—None.

Date of Hearing: 3/27/2012

DeSaulnier (Chair)

**Committee on Health****SB 1079**—Do pass and re-refer to the Committee on Public Safety

AYES (5)—Senators Anderson, Blakeslee, Harman, Hernandez, and Rubio.

NOES (0)—None.

**SB 1081**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (8)—Senators Alquist, Anderson, Blakeslee, De León, Harman, Hernandez, Rubio, and Wolk.

NOES (0)—None.

**SB 1381**—Do pass as amended

AYES (7)—Senators Anderson, Blakeslee, De León, Harman, Hernandez, Rubio, and Wolk.

NOES (0)—None.

Date of Hearing: 3/28/2012

Hernandez (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

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

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

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

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, March 29, 2012.

PAULA K. ROSSETTO, Minute Clerk

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