

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED NINETY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, May 9, 2012

The Senate met at 9 a.m.
Hon. Fran Pavley, of the 23rd 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, 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, Walters, Wolk, Wright, and Yee—36.

Quorum present.

*(NOTE: Senator Anderson will be excused this day on legislative business,
Senator Vargas will be excused this day on personal business, Senator
Wyland will be excused this day on legislative business (waiving per diem),
and Senator Runner will be excused this day due to illness.)*

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Housing

Date of Hearing, May 8, 2012

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

SCR 78

SCR 79

SCR 80

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

DESAULNIER, Chair

Above measures ordered to second reading.



Committee on Appropriations

Date of Hearing, May 7, 2012

Madam President: The Committee on Appropriations, to which was referred:

SB 1050

Reports the same back with the recommendation: Do pass as amended.

KEHOE, Chair

Above measure ordered to second reading.

Committee on Natural Resources and Water

Senate Chamber, May 9, 2012

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

AB 666

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 666—An act to add Article 4 (commencing with Section 789) to Chapter 2.5 of Division 1 of the Public Resources Code, relating to forestry and fire protection.

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, May 9, 2012

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

SB 1420

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 1420—An act to add Section 6593.7 to the Revenue and Taxation Code, relating to taxation.

Bill read second time.

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



Committee on Labor and Industrial Relations

Date of Hearing, May 9, 2012

Madam President: The Committee on Labor and Industrial Relations, to which was referred:

SB 959

Reports the same back with the recommendation: Do pass.

LIEU, Chair

Above bill ordered to second reading.

Committee on Governance and Finance

Date of Hearing, May 9, 2012

Madam President: The Committee on Governance and Finance, to which was referred:

SB 1003

Reports the same back with the recommendation: Do pass.

WOLK, Chair

Above bill ordered to second reading.

Date of Hearing, May 9, 2012

Madam President: The Committee on Governance and Finance, to which was referred:

SJR 18

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

WOLK, Chair

Above measure ordered to second reading.

Date of Hearing, May 9, 2012

Madam President: The Committee on Governance and Finance, to which was referred:

SB 1544

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

WOLK, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Appropriations

Senate Chamber, May 9, 2012

Madam President: The Chair of the Committee on Appropriations, to which was referred:

SB 1465



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

KEHOE, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1465—An act to add Section 14077 to the Corporations Code, and to add Section 44559.13 to, and to add Article 9 (commencing with 44559.15) to Chapter 1 of Division 27 of, the Health and Safety Code, relating to economic development.

Bill read second time.

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

Committee on Public Safety

Date of Hearing, May 8, 2012

Madam President: The Committee on Public Safety, to which was referred:

SB 1051

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

HANCOCK, Chair

Above measure ordered to second reading.

Committee on Judiciary

Date of Hearing, May 8, 2012

Madam President: The Committee on Judiciary, to which was referred:

SB 1476

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

EVANS, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, May 8, 2012

Madam President: The Committee on Judiciary, to which was referred:

SB 1407

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

EVANS, Chair

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

Date of Hearing, May 8, 2012

Madam President: The Committee on Judiciary, to which were referred:

SB 1172

SB 1365



Reports the same back with the recommendation: Do pass.

EVANS, Chair

Above bills ordered to second reading.

Date of Hearing, May 8, 2012

Madam President: The Committee on Judiciary, to which was referred:

SB 1213

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

EVANS, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Insurance

Date of Hearing, May 9, 2012

Madam President: The Committee on Insurance, to which was referred:

SB 1212

Reports the same back with the recommendation: Do pass.

CALDERON, Chair

Above bill ordered to second reading.

Date of Hearing, May 9, 2012

Madam President: The Committee on Insurance, to which was referred:

SB 1451

Reports the same back with the recommendation: Do pass as amended.

CALDERON, Chair

Above measure ordered to second reading.

Committee on Appropriations

Senate Chamber, May 4, 2012

Madam President: The Chair of the Committee on Appropriations, to which was referred:

SB 1345

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

KEHOE, Chair

Above measure ordered to second reading.

Committee on Education

Senate Chamber, May 9, 2012

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

SB 1135

AB 401

AB 404

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 1135—An act to add Section 51225.1 to the Education Code, relating to high school graduation requirements, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 401—An act to amend Section 32228 of the Education Code, relating to school safety.

Bill read second time.

Assembly Bill 404—An act to add Chapter 5.6 (commencing with Section 66360) to Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

Bill read second time.

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

Committee on Rules

Senate Chamber, May 9, 2012

Madam President: The Committee on Rules has examined:

SCR 77

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 9th day of May, 2012, at 2:30 p.m.

STEINBERG, Chair

State Capitol, May 9, 2012

Madam 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:

Pamela M. Harris, Director, Department of Employment Development (5–0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, May 9, 2012

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

John Brooks, Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun (5–0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

Senate Chamber, May 9, 2012

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

AB 591



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

Assembly Bill 591—An act to amend Sections 3213 and 3215 of, and to add Section 3213.5 to, the Public Resources Code, relating to oil and gas production.

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 SENATE BILLS**

Senate Bill 1075—An act to add Article 3 (commencing with Section 10260) to Chapter 1 of Part 2 of Division 2 of Title 2 of the Government Code, relating to the Uniform Electronic Legal Material Act.

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

Senate Bill 1221—An act to amend Section 3960 of, and to repeal Section 4756 of, the Fish and Game Code, relating to mammals.

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

Senate Bill 1318—An act to amend, repeal, and add Section 1288.7 of, and to add Section 1228.5 to, the Health and Safety Code, relating to infectious diseases.

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

Senate Bill 1503—An act to add Section 12318 to the Welfare and Institutions Code, relating to in-home supportive services.

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

Senate Bill 1529—An act to amend Section 100185.5 of the Health and Safety Code, and to amend Sections 14043.2, 14043.65, 14043.75, 14107.11, 14123.05, and 14409 of, to amend, repeal, and add Sections 14043.1, 14043.15, 14043.25, 14043.26, 14043.28, 14043.36, 14043.4, 14043.55, and 14043.7 of, and to add Sections 14043.38 and 14170.12 to, the Welfare and Institutions Code, relating to Medi-Cal.

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

Senate Bill 1098—An act to add Section 4959 to the Public Resources Code, relating to conservation camps.

Bill read second time.

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



Senate Bill 1285—An act to amend Section 1371.4 of, and to add Article 3 (commencing with Section 127465) to Chapter 2.5 of Part 2 of Division 107 of, the Health and Safety Code, relating to health care.

Bill read second time.

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

Senate Bill 1429—An act to amend Section 25503.5 of the Business and Professions Code, relating to alcoholic beverages.

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

Senate Bill 1531—An act to amend Section 23958.4 of the Business and Professions Code, relating to alcoholic beverages.

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

Senate Bill 1386—An act to amend Section 71610 of the Water Code, relating to water.

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

Senate Bill 1494—An act to amend Sections 31664.1 and 31720.1 of, and to add Sections 31755.4, 31755.5, and 31755.6 to, the Government Code, relating to county employees' retirement.

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

Senate Bill 1580—An act to add Section 435.3 to the Military and Veterans Code, relating to state surplus property.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1519—An act to add Section 31522.8 to the Government Code, relating to county employees' retirement.

Bill read second time and ordered to third reading.

Assembly Bill 1643—An act to amend Section 831.4 of the Penal Code, relating to public officers.

Bill read second time and ordered to third reading.

Assembly Bill 2127—An act to amend Section 4024.2 of the Penal Code, relating to work release.

Bill read second time and ordered to third reading.

Assembly Bill 391—An act to amend Sections 21628, 21641, and 21642 of, and to add Section 21642.5 to, the Business and Professions Code, and to amend Sections 21300 and 21301 of, and to repeal and add



Section 21208 of, the Financial Code, relating to personal property, making an appropriation therefor, 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, and re-referred to the Committee on Appropriations.

MOTION TO RE-REFER TO COMMITTEE

Without objection, **AJR 22** was re-referred to the Committee on Judiciary.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 82, SCR 84, SCR 88, SR 30, and ACR 136** were withdrawn from Committee and placed on third reading.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Monday, May 14, 2012:

SB 1063	SB 1081	SB 1548	SB 1449
SB 1275	SB 991	SCR 27	SB 1510
SB 1294	SB 1134	SB 1371	SB 1303
SB 1575	SB 1357	SB 1158	SB 1340
SB 1576	SB 1436	SB 1405	SB 1319

SENATE COMMITTEE ROLL CALLS

Committee on Governance and Finance

SB 1003—Do pass

AYES (6)—Senators DeSaulnier, Hancock, Hernandez, Kehoe, Liu, and Wolk.

NOES (3)—Senators Dutton, Fuller, and La Malfa.

SB 1086—Do pass and re-refer to the Committee on Appropriations

AYES (3)—Senators Dutton, Fuller, and La Malfa.

NOES (6)—Senators DeSaulnier, Hancock, Hernandez, Kehoe, Liu, and Wolk.

Failed Passage

SB 1086—Reconsideration granted

AYES (9)—Senators DeSaulnier, Dutton, Fuller, Hancock, Hernandez, Kehoe, La Malfa, Liu, and Wolk.

NOES (0)—None.

SB 1149—Do pass as amended and re-refer to the Committee on Appropriations

AYES (6)—Senators DeSaulnier, Hancock, Hernandez, Kehoe, Liu, and Wolk.

NOES (1)—Senator La Malfa.



SB 1179—Do pass as amended and re-refer to the Committee on Appropriations

AYES (8)—Senators DeSaulnier, Dutton, Fuller, Hancock, Hernandez, La Malfa, Liu, and Wolk.

NOES (0)—None.

SB 1243—Do pass as amended and re-refer to the Committee on Appropriations

AYES (9)—Senators DeSaulnier, Dutton, Fuller, Hancock, Hernandez, Kehoe, La Malfa, Liu, and Wolk.

NOES (0)—None.

SB 1544—Do pass and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar

AYES (9)—Senators DeSaulnier, Dutton, Fuller, Hancock, Hernandez, Kehoe, La Malfa, Liu, and Wolk.

NOES (0)—None.

SB 1552—Do pass and re-refer to the Committee on Appropriations

AYES (3)—Senators Dutton, Fuller, and La Malfa.

NOES (6)—Senators DeSaulnier, Hancock, Hernandez, Kehoe, Liu, and Wolk.

Failed Passage

SB 1552—Reconsideration granted

AYES (9)—Senators DeSaulnier, Dutton, Fuller, Hancock, Hernandez, Kehoe, La Malfa, Liu, and Wolk.

NOES (0)—None.

SJR 18—Do pass, to Consent Calendar

AYES (9)—Senators DeSaulnier, Dutton, Fuller, Hancock, Hernandez, Kehoe, La Malfa, Liu, and Wolk.

NOES (0)—None.

Date of Hearing: 5/9/2012

Wolk (Chair)

Committee on Insurance

SB 1212—Do pass

AYES (5)—Senators Calderon, Corbett, Gaines, Lieu, and Price.

NOES (0)—None.

SB 1451—Do pass as amended

AYES (5)—Senators Calderon, Corbett, Gaines, Lieu, and Price.

NOES (0)—None.

Date of Hearing: 5/9/2012

Calderon (Chair)

Committee on Judiciary

SB 1055—Do pass as amended

AYES (5)—Senators Blakeslee, Corbett, Evans, Harman, and Leno.

NOES (0)—None.



SB 1160—Do pass as amended

AYES (5)—Senators Blakeslee, Corbett, Evans, Harman, and Leno.

NOES (0)—None.

SB 1163—Do pass

AYES (2)—Senators Blakeslee and Harman.

NOES (3)—Senators Corbett, Evans, and Leno.

Failed Passage

SB 1172—Do pass

AYES (3)—Senators Corbett, Evans, and Leno.

NOES (2)—Senators Blakeslee and Harman.

SB 1173—Do pass

AYES (2)—Senators Blakeslee and Harman.

NOES (3)—Senators Corbett, Evans, and Leno.

Failed Passage

SB 1186—Do pass as amended

AYES (4)—Senators Blakeslee, Evans, Harman, and Leno.

NOES (1)—Senator Corbett.

SB 1213—Do pass and re-refer to the Committee on Appropriations

AYES (5)—Senators Blakeslee, Corbett, Evans, Harman, and Leno.

NOES (0)—None.

SB 1250—Do pass as amended and re-refer to the Committee on Rules

AYES (3)—Senators Corbett, Evans, and Leno.

NOES (2)—Senators Blakeslee and Harman.

SB 1255—Do pass as amended

AYES (4)—Senators Blakeslee, Corbett, Evans, and Leno.

NOES (1)—Senator Harman.

SB 1365—Do pass

AYES (5)—Senators Blakeslee, Corbett, Evans, Harman, and Leno.

NOES (0)—None.

SB 1374—Do pass

AYES (2)—Senators Blakeslee and Harman.

NOES (3)—Senators Corbett, Evans, and Leno.

Failed Passage

SB 1384—Do pass as amended

AYES (3)—Senators Corbett, Evans, and Leno.

NOES (2)—Senators Blakeslee and Harman.



SB 1407—Do pass and re-refer to the Committee on Public Safety

AYES (5)—Senators Blakeslee, Corbett, Evans, Harman, and Leno.

NOES (0)—None.

SB 1476—Do pass and re-refer to the Committee on Rules

AYES (3)—Senators Corbett, Evans, and Leno.

NOES (2)—Senators Blakeslee and Harman.

SB 1477—Do pass as amended and re-refer to the Committee on Appropriations

AYES (5)—Senators Blakeslee, Corbett, Evans, Harman, and Leno.

NOES (0)—None.

SB 1478—Do pass

AYES (2)—Senators Blakeslee and Harman.

NOES (3)—Senators Corbett, Evans, and Leno.

Failed Passage

SB 1528—Do pass as amended

AYES (3)—Senators Corbett, Evans, and Leno.

NOES (2)—Senators Blakeslee and Harman.

Date of Hearing: 5/8/2012

Evans (Chair)

Committee on Labor and Industrial Relations**SB 959**—Do pass

AYES (5)—Senators DeSaulnier, Leno, Lieu, Padilla, and Yee.

NOES (0)—None.

SB 1115—Do pass

AYES (0)—None.

NOES (4)—Senators DeSaulnier, Leno, Lieu, and Padilla.

Failed Passage

Date of Hearing: 5/9/2012

Lieu (Chair)

Committee on Transportation and Housing**SB 1149**—Do pass and re-refer to the Committee on Rules

AYES (9)—Senators DeSaulnier, Gaines, Harman, Kehoe, Lowenthal, Pavley, Rubio, Simitian, and Wyland.

NOES (0)—None.

SB 1534—Do pass as amended and re-refer to the Committee on Rules

AYES (7)—Senators DeSaulnier, Gaines, Harman, Lowenthal, Rubio, Simitian, and Wyland.

NOES (1)—Senator Kehoe.

SCR 78—Do pass, to Consent Calendar

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

NOES (0)—None.



SCR 79—Do pass, to Consent Calendar

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

NOES (0)—None.

SCR 80—Do pass, to Consent Calendar

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

NOES (0)—None.

Date of Hearing: 5/8/2012

DeSaulnier (Chair)

LEAVES OF ABSENCE FOR THE DAY

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

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

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

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, May 10, 2012.

PAULA K. ROSSETTO, Minute Clerk

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