

## CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWO HUNDRED THIRTEENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, June 6, 2012

The Senate met at 9 a.m.  
Hon. Mark Leno, of the 3rd 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, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, Wyland, and Yee—37.

Quorum present.

*(NOTE: Senators Padilla and Strickland will be excused this day on personal business and Senator Runner will be excused this day due to illness.)*

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
June 5, 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

ROBERT P. DAVID, has been appointed director of the Office of Statewide Health Planning and Development. David has been the regional executive at the American Hospital Association since 2010. He was chief deputy director at the Office of Statewide Health Planning and Development from 2005 to 2010. David was regional vice president of the Hospital Council of Northern and Central California from 1999 to 2005 and was assistant secretary at the California Health and Human Services Agency from 1995 to 1999. He was senior negotiator at the California Medical Assistance Commission from 1994 to 1995 and was the director of payer relations at Quantum Health Resources from 1993 to 1994. Appointed 05/07/2012. Effective 05/07/2012.

Director of Statewide Health Planning and Development, vice, David Carlisle, resigned on 11/11/2010. Term ending at the pleasure of the Governor.

DAVID OLSEN, has been appointed to the California Independent System Operator Board of Governors. Olsen has been managing director for the Western Grid Group since 2003 and served as coordinator for the California Renewable Energy Transmission Initiative for the California Energy Commission from 2007 to 2010. He also served as coordinator for the Tehachapi Collaborative Study Group from 2005 to 2007, president of Clipper Windpower from 2001 to 2003, president of Patagonia Inc. from 1996 to 1999, vice president of Magma Power Company from 1988 to 1995 and president of Northern Power Systems from 1984 to 1988. Appointed 04/10/2012. Effective 04/25/2012.

Member, Independent System Operator Governing Board, vice, Tom Habashi, withdrawn from the Senate. Term ending 12/31/2012.

CONSUELO MENDOZA PEREZ, has been appointed to the California Lottery Commission. Perez has held a number of positions at Brown Armstrong Accountancy Corporation since 2002, including staff accountant, senior accountant, manager, partner-in-training and partner. Appointed 05/18/2012. Effective 05/23/12.

Member, California State Lottery Commission, vice, Yuri Vanetik, withdrawn from the Senate. Term ending 11/06/2013.



MALCOLM X. DOUGHERTY, has been appointed director of the California Department of Transportation, where he has served as acting director since 2011 and chief deputy director since 2010. He has served in various positions at the Department of Transportation, including deputy director for project delivery from 2009 to 2010, district director for District 6 from 2006 to 2009, division chief of central regional program management from 2005 to 2006, deputy district director of maintenance and traffic operations for District 6 from 2001 to 2005 and office chief and senior transportation engineer for District 6 from 1992 to 2001. Dougherty was a civil engineer at Federici and Akin P.A. from 1991 to 1992. Appointed 05/10/2012. Effective 05/10/2012.

Director, California Department of Transportation, vice, Cindy B. McKim, retired. Term ending at the pleasure of the Governor.

Above appointments referred to the Committee on Rules.

## **REPORTS OF STANDING COMMITTEES**

### **Committee on Rules**

Senate Chamber, June 4, 2012

Mr. President: The Committee on Rules has examined:

SB 1504

SB 1558

And reports that the same have been correctly enrolled, and presented to the Governor on the 4th day of June, 2012, at 4 p.m.

STEINBERG, Chair

Senate Chamber, June 6, 2012

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

SB 1534

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 1534**—An act to amend Section 53075.5 of the Government Code, and to amend Section 26708 of the Vehicle Code, relating to vehicles.

Bill read second time.

### **Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 1534 pursuant to Joint Rule 58.

SENATOR HARMAN



**Permission of Rules Committee**

Senate Chamber, June 6, 2012

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1534.

STEINBERG, Chair

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

**Committee on Governmental Organization**

Senate Chamber, June 6, 2012

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

AB 495

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****Assembly Bill 495**—An act relating to state property.

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**

Senate Chamber, June 6, 2012

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

AB 484

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

DESAULNIER, Chair

**Second Reading of Bills—Author's Amendments****Assembly Bill 484**—An act to amend Section 7074.2 of the Government Code, relating to enterprise zones.

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, June 6, 2012

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

AB 1784

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 1784**—An act to add Section 4810 to the Fish and Game Code, relating to mountain lions, and declaring the urgency thereof, to take effect immediately.

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, June 6, 2012

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

AB 2167

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**

**Assembly Bill 2167**—An act to amend Sections 81434 and 81435 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.

Senate Chamber, June 6, 2012

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

AB 2388

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**

**Assembly Bill 2388**—An act to amend Section 35159 of the Public Resources Code, relating to the Santa Clara County Open-Space Authority.

Bill read second time.

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

**Committee on Environmental Quality**

Senate Chamber, June 6, 2012

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

AB 2205



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**

**Assembly Bill 2205**—An act to amend Section 25143.1 of the Health and Safety Code, relating to hazardous materials.

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, June 6, 2012

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

AB 1750

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 1750**—An act to amend Section 7027.5 of the Business and Professions Code, and to add Part 2.4 (commencing with Section 10570) to Division 6 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 Governance and Finance**

Senate Chamber, June 6, 2012

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

AB 2299

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**

**Assembly Bill 2299**—An act to amend Section 6254.1 of, and to add Sections 27279.5 and 27279.7 to, 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 Appropriations**

Date of Hearing, June 4, 2012

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

AB 391

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

KEHOE, Chair

Above measure ordered to second reading.

**Committee on Education**

Senate Chamber, June 6, 2012

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

AB 1521

AB 2171

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**

**Assembly Bill 1521**—An act to amend Section 60642.5 of, and to add Section 60640.2 to, the Education Code, relating to pupil assessment.

Bill read second time.

**Assembly Bill 2171**—An act to add Section 76038 to the Education Code, relating to community college districts.

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**

Senate Chamber, June 6, 2012

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

AB 523

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

DESAULNIER, Chair

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

**Assembly Bill 523**—An act to amend Sections 44272.3 and 44272.4 of the Health and Safety Code, relating to ethanol.

Bill read second time.

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



**Committee on Energy, Utilities and Communications**

Senate Chamber, June 6, 2012

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which were referred:

AB 1186

AB 1755

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

PADILLA, Chair

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

**Assembly Bill 1186**—An act to add Section 38578 to the Health and Safety Code, relating to greenhouse gases.

Bill read second time.

**Assembly Bill 1755**—An act to amend Sections 739.1 and 739.9 of, and to add Section 739.11 to, the Public Utilities Code, relating to electricity.

Bill read second time.

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

**Committee on Governance and Finance**

Senate Chamber, June 6, 2012

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

AB 2698

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**

**Assembly Bill 2698**—An act to amend Sections 56375, 56425, 56658, 56662, 56827, 56853, 57077, 57102, 57107, 57113, and 57114.5 of, to add Sections 57077.1, 57077.2, 57077.3, and 57077.4 to, to repeal Sections 56854, 57081, and 57114 of, and to repeal and add Section 56663 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 Health**

Senate Chamber, June 6, 2012

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

AB 784





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**

**Assembly Bill 784**—An act to amend Sections 1570.2, 1570.7, 1578, and 1585.5 of, and to add Sections 1584.5, 1587, and 1587.5 to, the Health and Safety Code, relating to care facilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

**Committee on Judiciary**

Senate Chamber, June 6, 2012

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

AB 1406

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**

**Assembly Bill 1406**—An act to amend Section 2104 of the Family Code, relating to dissolution of marriage.

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, June 6, 2012

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

AB 925

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**

**Assembly Bill 925**—An act to amend Section 47610 of, and to add Section 47611.6 to, the Education Code, relating to charter schools.

Bill read second time.

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



**Committee on Health**

Senate Chamber, June 6, 2012

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

AB 969

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**

**Assembly Bill 969**—An act to add Section 14105.221 to the Welfare and Institutions Code, relating to Medi-Cal.

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**

Senate Chamber, June 6, 2012

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

AB 1890

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

DESAULNIER, Chair

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

**Assembly Bill 1890**—An act to amend Section 23302 of the Vehicle Code, relating to vehicles.

Bill read second time.

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

**Committee on Health**

Senate Chamber, June 6, 2012

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

AB 2370

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**

**Assembly Bill 2370**—An act to amend Sections 4502 and 17206.1 of the Business and Professions Code, to amend Section 1761 of the Civil Code, to amend Sections 8769, 16191, 16195, 16196, 16200, 41306, 41401, and 51765 of the Education Code, to amend Sections 854.2, 6514, 12428, 12926, 14670.1, 14670.2, 14670.3, 14670.5, 14672.1, 14672.92,



16813, 16814, and 16816 of the Government Code, to amend Sections 1275.5, 1337.1, 1337.3, 13113, 51312, 110403, 123935, 125000, 127260, and 129395 of the Health and Safety Code, to amend Sections 10118, 10124, and 10203.4 of the Insurance Code, to amend Sections 1001.20, 1346, 1370.1, 1376, and 2962 of the Penal Code, to amend Section 1420 of the Probate Code, to amend Section 25276 of the Vehicle Code, and to amend Sections 4417, 4426, 4512, 4801, 5002, 5008, 5325, 5585.25, 6250, 6500, 6502, 6504, 6504.5, 6505, 6506, 6507, 6508, 6509, 6511, 6512, 6513, 6551, 6715, 6717, 6718, 6740, 6741, 7275, 7351, and 11014 of, to amend the heading of Article 2 (commencing with Section 6500) of Chapter 2 of, to amend the heading of Article 4 (commencing with Section 6715) of Chapter 3 of, and to amend the heading of Article 4 (commencing with Section 6740) of Chapter 4 of, Part 2 of Division 6 of, the Welfare and Institutions Code, relating to intellectual disabilities.

Bill read second time.

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

Date of Hearing, June 6, 2012

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

AB 217

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

HERNANDEZ, Chair

Above measure re-referred to the Committee on Labor and Industrial Relations.

Date of Hearing, June 6, 2012

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

AB 1580

AB 1867

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

HERNANDEZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 6, 2012

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

AJR 30

Reports the same back with the recommendation: Be adopted.

HERNANDEZ, Chair

Above resolution ordered to third reading.



**Committee on Governance and Finance**

Senate Chamber, June 6, 2012

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

AB 1345

AB 1736

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**

**Assembly Bill 1345**—An act to amend Section 12410.5 of, and to add Section 12410.6 to, the Government Code, relating to audits.

Bill read second time.

**Assembly Bill 1736**—An act to amend Sections 54954.5 and 54957 of the Government Code, relating to local government.

Bill read second time.

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

**Committee on Labor and Industrial Relations**

Senate Chamber, June 6, 2012

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which were referred:

AB 1687

AB 2659

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

LIEU, Chair

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

**Assembly Bill 1687**—An act to amend Section 4610 of, and to add Section 4610.2 to, the Labor Code, relating to workers' compensation.

Bill read second time.

**Assembly Bill 2659**—An act to add Section 1279.7 to the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time.

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

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

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

**Senate Joint Resolution 29:** By Senator Yee—Relative to voting rights.



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

**Senate Bill 1065**—An act relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 1531**—An act relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

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

Without objection, **AB 276** was withdrawn from the Committee on Labor and Industrial Relations and re-referred to the Committee on Rules; and

**AB 642** and **AB 1303** were withdrawn from the Committee on Energy, Utilities and Communications and re-referred to the Committee on Rules.

**SENATE COMMITTEE ROLL CALLS  
Committee on Health**

**AB 217**—Do pass and re-refer to Committee on Labor and Industrial Relations

AYES (7)—Senators Alquist, Anderson, De León, DeSaulnier, Hernandez, Rubio, and Wolk.

NOES (2)—Senators Blakeslee and Harman.

**AB 1580**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alquist, De León, DeSaulnier, Hernandez, Rubio, and Wolk.

NOES (3)—Senators Anderson, Blakeslee, and Harman.

**AB 1803**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alquist, Anderson, Blakeslee, De León, DeSaulnier, Harman, Hernandez, Rubio, and Wolk.

NOES (0)—None.

**AB 1867**—Do pass and re-refer to Committee on Appropriations

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

NOES (0)—None.

**AJR 30**—Be adopted

AYES (6)—Senators Alquist, De León, DeSaulnier, Hernandez, Rubio, and Wolk.

NOES (2)—Senators Anderson and Harman.

Date of Hearing: 6/6/2012

Hernandez (Chair)



**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to personal business: Senators Padilla 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, June 7, 2012.

PAULA K. ROSSETTO, Minute Clerk

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